

# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Abraham Lincoln as Constitutional Theorist

**Course #:** 2914      **Term:** 2020FA      **Faculty:** Levinson, Sanford      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Legal & Political Theory; Legal History

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

Abraham Lincoln is not only regarded (by most analysts) as very definitely one of our most important presidents. He is also equally regarded as perhaps the only president after James Madison whose reflections about the United States Constitution and his responsibilities as a citizen and then office-holder are really worth taking very seriously. What actually constitutes the Constitution to which one pledges fidelity, especially in times of emergency? How does one resolve the tensions between what might be termed "constitutional evil," e.g., the protection of slavery, and adherence to the aspirations set out in the Preamble to the Constitution and, for Lincoln, in the Declaration of Independence? What, exactly, is the problem with secession, especially if one accepts the importance of "consent of the governed"? What might "malice toward none and charity toward all" have meant with regard to the actualities of Reconstruction (and did "reconstruction" mean "restoration" or "regime change"? Readings will be taken almost entirely from Lincoln's own corpus, primarily speeches, letters, or "messages" to Congress. The "method" of the course will consist of very close readings, sometimes (as with, say, the Gettysburg Address, readings aloud) of the assigned material, which may be deceptively short in terms of numbers of pages. Each student will be asked/required to write a single "response paper" during the semester addressing the assigned readings for that particular week and, importantly, setting out some questions for general class discussion. Although the materials will obviously be America-centric, I hope that they might be of interest to at least some LLM students inasmuch as the problems addressed will be challenges facing almost any enduring constitutional order. Consider only that Carl Schmitt defended the Nazi takeover of the socialist Prussian government by the national state by quoting Lincoln and his House-divided speech. Holmes once said that the U.S. Constitution was written for people "with fundamentally different views." Can any such society really be successfully tamed, as it were, by a constitution?

Note: This reading group will meet on the following dates: 9/8, 9/22, 10/6, 10/20, 10/27, 11/10

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## Access to Justice in the Digital World

**Course #:** 3073      **Term:** 2021SP      **Faculty:** Plunkett, Leah      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; Procedure & Practice

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: None  
Exam Type: No Exam

This reading group explores the impact of new and emerging digital technologies on the longstanding barriers that low-income and vulnerable individuals often face when interacting with the civil justice system, as well as the role that creative, zealous legal advocacy can play in surmounting these obstacles. From family relationships to housing security to consumer transactions, the civil justice system orders (or fails to order) our quotidian affairs. The disputes in family courts, housing courts, small claims courts, and other judicial settings that are high stakes for individuals but low dollar value for attorneys typically put pro se litigants on the front lines of the courtroom-if they even make it into court at all. Digital tech-especially during the judicial systems current pandemic operation mode-is sparking a new solution space for litigants, attorneys, and other stakeholders to resolve civil disputes; however, it is also creating new challenges in areas such as digital privacy. This reading group will unpack all dimensions of the impact of and potential for new digital technologies to change the contours of civil case-handling for low-income and vulnerable people, with an eye toward generating normative, values-based reflections on how to maximize the positive aspects of this change.

Note: This reading group will meet for six sessions, beginning on Thursday, January 28 and meeting every other week throughout the spring term.

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## Administrative Law

**Course #:** 2000      **Term:** 2021SP      **Faculty:** Vermeule, Adrian      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** Government Structure & Function; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course will study law making and law application by executive departments of government. Using the material covered in the first-year "Legislation and Regulation" course as a foundation, this class will cover a variety of topics, including the legal framework (both constitutional and statutory) that governs administrative rulemaking and adjudication; the proper role of agencies in interpreting statutory and regulatory law; and judicial review of agency decisions. The central theme of the course is how the law manages the tension between "rule of law" values (e.g., procedural regularity, accountability, and substantive limits on arbitrary action) and the desire for flexible, effective administrative governance.

Note: This course is open to upper-level JDs.

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## Administrative Law

**Course #:** 2000      **Term:** 2020FA      **Faculty:** Freeman, Jody      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: None

Exam: Please refer to the Fall 2020 Tentative Exam Schedule

This course will study the law governing federal administrative agencies, and related matters of policy and theory. Using the material covered in the first-year "Legislation and Regulation" course as a foundation, this class will cover a variety of more advanced topics, including the structure and function of administrative agencies; the role of agencies in interpreting statutes and regulations; the legal framework governing administrative adjudication as opposed to regulation; the presidents power to supervise the executive branch; congressional delegation and principal-agent problems; the theory and practice of statutory interpretation; and the appropriate role of private actors in the administrative process. The central theme of the course will be on the need to manage the tension between flexibility and constraint in the administrative state.

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## Administrative Law in the Modern Era

**Course #:** 2386      **Term:** 2021SP      **Faculty:** Vermeule, Adrian; Sunstein, Cass      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 3:00 PM - 5:00 PM

**Course Description:** Prerequisite: None

Exam Type: No Exam

The seminar will explore a variety of legal issues in connection with the modern administrative state, some of which have been put in sharp relief by the current presidency. Some attention will be given to foundational issues surrounding the rise of administrative institutions. Issues will include judicial deference to agency interpretations of law; the presidents distinctive position in the context of foreign affairs; and the power to change the policies of a previous administration.

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## Advanced Antitrust

**Course #:** 2449      **Term:** 2021SP      **Faculty:** Popofsky, Mark      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: A prior antitrust or competition law course. Students with applicable experience or who have taken similar courses elsewhere may contact the instructor for a prerequisite waiver.

Exam Type: No Exam

This seminar will explore current issues in antitrust law and economics, with a focus on the IP/Antitrust interface and innovation. Anticipated topics include the economics of innovation, "Big Tech" and antitrust, legal standards and remedies for monopolization, standard essential patents, patent assertion entities, and the intersection between extraterritoriality, global antitrust enforcement, and optimal deterrence. Students will participate orally and write short response papers on class topics of their choosing.

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## Advanced Clinical Practice

**Course #:** 2001      **Term:** 2020FS      **Faculty:** Whiting, Patricia; Rossi, Patricio      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 3:00 PM - 5:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Harvard Legal Aid Bureau 3L (4 fall clinical credits + 4 spring clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: Harvard Legal Aid Bureau 2L.  
By Permission: Yes. This course is restricted to 3L members of HLAB.  
Add/Drop Deadline: N/A.  
LLM Students: LLM students are not eligible to enroll.  
Multi-Semester: This is a fall-spring course (1 fall classroom credit + 1 spring classroom credit).  
This workshop, which is required for all 3L members of the Harvard Legal Aid Bureau, provides students with the opportunity to engage in further critical self-reflection on their clinical experience, focusing on their roles as advocates, mentors, and law office managers and incorporating readings on issues of poverty law and legal services delivery. The class will be graded credit/fail.  
Enrollment in this course is restricted to 3L Harvard Legal Aid Bureau members and will not be in clinical registration. The Office of Clinical and Pro Bono Programs will enroll all HLAB 3L members in this course.

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## Advanced Corporate Transactions

**Course #:** 2833      **Term:** 2021SP      **Faculty:** Sonenshine, Marshall      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: Registration for the course has two prerequisites: (1) Students must have taken Corporations or be taking it concurrently with ACT. (2) In addition, a working knowledge of basic corporate financial accounting knowledge (ability to read basic financial statements) is required. The “basic corporate financial accounting knowledge” requirement is not onerous and can be met by having taken Accounting at the law school or in another graduate or undergraduate program or by having other demonstrable familiarity with reviewing basic corporate financial statement (income statement, balance sheet, and cash flow statement) from academic or work settings. Students with questions should be in touch with the instructor at [msonenshine@sonenshinepartners.com](mailto:msonenshine@sonenshinepartners.com) with a copy to [jjohn@sonenshinepartners.com](mailto:jjohn@sonenshinepartners.com).

Exam Type: Please refer to the Spring 2021 Exam Schedule

Advanced Corporate Transactions assesses the inter-related business, financial, and legal issues associated with complex corporate transactions, including Mergers & Acquisitions, Private Equity and Restructuring transactions. The course takes an interdisciplinary approach to assessing issues and dynamics that drive companies, boards, investors, and legal and financial advisers to companies in the transaction process. The course is intended for students who have completed Corporations and who are comfortable (or can reasonably get comfortable) reading the three basic financial statements of companies. These baseline accounting skills will be reviewed early in the course for context. (Students uncertain about the adequacy of their facility reading companies’ financial statements or wanting to improve those skills before the course begins are invited to confer with Mr Sonenshine before registering.)

The course addresses both how deals are done and how corporate finance and markets for corporate control evolve with the business cycle and with financial markets. The course will use business school cases and cases from the instructors investment banking practice, supplemented by relevant legal cases and materials and academic writings on the evolution of the multi trillion dollar M&A and Private Equity markets, often as alternatives to public market stewardship of companies. The course looks at the dramatic changes in the deal business from the 1980s through the 2008 financial crisis and in the years since the financial crisis. The course covers (A) Fundamentals of M&A, Corporate Finance and Valuation; (B) the Evolution of M&A and Private Equity Markets; (C) Business and Transaction Strategies in Deals; and (D) Current Topics in Corporate Finance and Transaction Markets.

The course is taught by Marshall Sonenshine, HLS 85, an investment banker who has served as an Adjunct Professor of Finance and Economics at Columbia University Business School. Mr Sonenshine is Chairman and Managing Partner of New York M&A and Restructuring firm Sonenshine Partners, having previously been Partner to Paul Volcker at Wolfensohn & Co and senior Partner in M&A and Head of Media M&A at Deutsche Bank. He began his banking career at Salomon Brothers in New York. For three decades, Mr Sonenshine has advised on transactions involving major corporations worldwide including Alcoa, AIG, Conrail, Dassault Systemes, Disney, EDS, Hewitt, KKR, Luxottica, New York Times, Proquest, Siemens, Sony, Walgreens, Wellpoint, and numerous others. Mr Sonenshine is a former Editor of the Harvard Law Review and Teaching Fellow in Government at Harvard College and an Instructor in the Introduction to Law course for the LLM Program. He clerked for Hon Lawrence Pierce of the US Court of Appeals for the Second Circuit. Mr. Sonenshine has published widely on corporate financial

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matters at Columbia University, New York Times, Financial Times, Institutional Investor and other publications and is a frequent global financial commentator for CNBC and Bloomberg Television. Note: This is a 2 credit course, but the professor is happy to work with students who wish to do additional research and writing for additional independent writing credit on corporate cases for potential publication and potential use in ACT. Registration for independent writing credit should be completed via the Option 1 form, found here.

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## Advanced Erie Problems

<b>Course #:</b> 3010	<b>Term:</b> 2020FA	<b>Faculty:</b> Goldsmith, Jack	<b>Credits:</b> 2.00
<b>Type:</b> Elective	<b>Subject Areas:</b> Constitutional Law & Civil Rights		
<b>Delivery Mode:</b> Seminar			
<b>Days and Times:</b>		<b>Location</b>	
Tue 5:00 PM - 7:00 PM			

**Course Description:** Prerequisite: Federal Courts

Exam Type: No Exam

This seminar will do a deep dive in to the Erie doctrine.&nbsp; We will start by reading the full Hart & Wechsler treatment.&nbsp; Will will read the recent cases and highlights in the literature, and then will focus on three modern problems: complex litigation, arbitration, how Erie squares with the original understanding of the Constitution.

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## Advanced Interpretation: Law and Language

**Course #:** 2383

**Term:** 2020FA

**Faculty:** Lee, Thomas

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Constitutional Law & Civil Rights; Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

**Course Description:**

Prerequisites: None

Exam Type: No Exam Student performance will be assessed on the basis of class participation (10%) and a paper submitted at the end of the semester (90%).

This seminar invites students to develop, defend, and apply a framework for interpreting the language of law. The course materials highlight the basis for and means of the law's commitment to an inquiry into ordinary meaning, identify both theoretical and operational shortcomings in the inquiry, and open a dialogue about how to handle those shortcomings.

The dialogue is centered around a proposal to use linguistic theory and tools—principally from the field of corpus linguistics—to better refine the inquiry into the communicative content of the language of law. We will consider possible grounds for this refinement in both judicial opinions and emerging scholarship on the law's attempt to better assess ordinary meaning. Our focus will be on questions of statutory and constitutional interpretation.

The course materials include both support for and substantial critiques of the use of linguistic theory and tools. The goal of the seminar is not to gain adherents to the enterprise of law and corpus linguistics. It is to invite careful, critical thinking about how best to theorize and operationalize the inquiry into the communicative content of the language of law, and on what to do when we encounter indeterminacy. The course materials provide the perspective and background necessary for that endeavor—by presenting critiques of the corpus linguistic inquiry and highlighting strengths of competing frameworks. Students will be invited to come to their own conclusions. They will be asked to do so (a) by participating in class discussion of the assigned scholarly material, as applied to a range of cases on statutory and constitutional interpretation; and (b) producing a paper that outlines, defends, and applies a framework of interpretation as applied to a reported or pending case. Suggested cases will be listed on the course Canvas page. Students are welcome to choose their own case, subject to instructor approval.

Student papers should be 7,000 words or less. Each paper should (a) propose and defend a theory of interpretation; and (b) identify the interpretive tools you find most helpful and apply those tools to resolving the interpretive issue in the case. In grading your papers, I will be assessing the level of sophistication, originality, and persuasiveness of your analysis. I will consider how well you engage with and respond to the material we covered in class—with specific focus on how you respond to arguments that may seem to cut against your proposed approach. You should not rely on any outside research or materials other than the material assigned for class and the opinions in the case (or briefs if it is a pending case).

Note: This seminar will meet on the following dates: 9/10, 9/17, 9/18, 10/1, 10/2, 10/15, 10/22, 10/23, 11/5, 11/6, 11/19, 11/20.

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## Advanced Legal Research

**Course #:** 2173      **Term:** 2021SP      **Faculty:** Kennedy, Jocelyn      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: For JD students, completion of First Year Legal Research and Writing. For LLM students, completion of LRWA I is required and an enrollment in LRWA II is strongly suggested.  
Exam Type: No Exam  
Modern legal practice requires a nuanced understanding of research and technology. Effective legal professionals must be able to develop research strategy, access, evaluate, interpret and incorporate information into their advocacy work.  
This course teaches students to be effective advocates by providing a strong grounding in research skills and information theory. This course will mix lecture with practice and students will gain hands-on experience conducting both basic and complex research using a variety of research tools.  
Students will be assessed using a variety of methods including: in-class labs, out-of class exercises, presentations, and a final research simulation.

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## Advanced Readings in Japanese Human Rights

**Course #:** 2317      **Term:** 2020FA      **Faculty:** Ramseyer, J. Mark      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 9:30 PM - 11:30 PM

**Course Description:** Prerequisite: By permission of instructor. Because the readings are in Japanese, students should have the equivalent of at least two years language instruction, but the difficulty of the materials will be adjusted to the reading levels of the students (and the class can be split if necessary). Native speakers of Japanese are welcome to attend, but may not take the course for credit. Students who are unsure whether the class is appropriate for them should contact Professor Ramseyer by email ([ramseyer@law.harvard.edu](mailto:ramseyer@law.harvard.edu)).

Exam Type: No Exam

In this reading group, students will read a wide variety of human-rights-related materials in the original Japanese language. Class discussion will cover both any language questions that arise, and the substance of the material discussed.

Materials to be read will be determined on the first day of class.

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## Advanced Topics in Evidence

**Course #:** 2838      **Term:** 2020FA      **Faculty:** Nesson, Charles      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

We consider legal truth from jury view: proof by live witness, proof by expert, and the relationship of truth to evidence, time and viewpoint.

Expect periodic short assignments in writing, peer appreciation and critique. We will discourse in both true-name zoom-space and pseudonymous threads-space. Students will write a final paper (1500 words) due at the end of the exam period.

This is NOT a course on the Federal Rules of Evidence.

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## Advanced Topics in Jewish Law and Legal Theory

**Course #:** 2437      **Term:** 2020FA      **Faculty:** Feldman, Noah      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Thu 7:00 PM - 9:00 PM

**Course Description:** Prerequisite: This seminar will be by permission of the instructor, who strongly prefers that students have a background in advanced study of Jewish legal material. To apply please send a short statement of interest including background in Jewish legal studies to [nfeldman@law.harvard.edu](mailto:nfeldman@law.harvard.edu) with a copy to [swhalen@law.harvard.edu](mailto:swhalen@law.harvard.edu).

Exam Type: No Exam

The group will examine sociological questions of the Yeshiva world as well as theoretical/textual ones regarding what is studied, and how, and by whom.

Note: This reading group will meet on the following dates: 9/10, 10/1, 10/22, 11/5, 11/19, and 12/3

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## Advanced Topics in Jewish Law and Legal Theory: Halakhah and The Soul

**Course #:** 2437      **Term:** 2021SP      **Faculty:** Feldman, Noah      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Thu 7:00 PM - 9:00 PM

**Course Description:** Prerequisite: This seminar will be by permission of the instructor, who strongly prefers that students have a background in advanced study of Jewish legal material. To apply please send a short statement of interest including background in Jewish legal studies to [nfeldman@law.harvard.edu](mailto:nfeldman@law.harvard.edu) with a copy to [swhalen@law.harvard.edu](mailto:swhalen@law.harvard.edu).

Exam Type: No Exam

The group will examine sociological questions of the Yeshiva world as well as theoretical/textual ones regarding what is studied, and how, and by whom.

Note: This reading group will meet on the following dates: 2/4, 2/18, 3/4, 3/11, 4/8, and 4/22.

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## Advertising Law

**Course #:** 2753      **Term:** 2021SP      **Faculty:** Tushnet, Rebecca      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:30 AM - 12:00 PM

Tue 10:30 AM - 12:00 PM

**Course Description:** Prerequisite: None

Exam Type: Please refer to the Spring 2021 Exam Schedule

This course covers legal regulation of advertising in the United States, with some comparison to other countries. Private causes of action by consumers and competitors, state attorneys general, and the Federal Trade Commission all form part of the law of advertising. Topics will include falsity, substantiation, surveys, product placement, "green" marketing claims, disclosures and disclaimers, and First Amendment aspects of advertising regulation.

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## Advocacy: Beyond the Courtroom

**Course #:** 1054

**Term:** 2021WI

**Faculty:** Gershengorn, Ara; Walczewski, Erin

**Credits:** 2.00

**Type:** 1lwinter

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 10:00 AM - 12:35 PM

Tue 10:00 AM - 12:35 PM

Wed 10:00 AM - 12:35 PM

Thu 10:00 AM - 12:35 PM

Fri 10:00 AM - 12:35 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Note: This course is restricted to first-year J.D. students only.

The drop deadline for 1L January Experiential Term (JET) classes is December 4, 2020. Students may not drop a course if they do not have an offer to enroll in a different JET course.

1L JET courses are intensive learning courses. Class attendance is required in each course every day of the term, beginning Tuesday, January 5th. Students should plan accordingly and should not take on other work commitments during the term.

Exam Type: No Exam

Taught by two practicing attorneys, this course allows students to develop their oral, written, and strategic advocacy skills for clients and for causes. Through interactive exercises and team-based work, students will learn how to advance a client's interest in a variety of different contexts, including in impact litigation, in deals, in legislatures, in the nonprofit world, and in the public eye. Students will explore writing opinion pieces, negotiating one-on-one and in a group setting, analyzing grassroots campaigns, and advocating for a client in a criminal context, among other hands-on skill-building exercises. In addition to course readings and writing assignments, students will work in teams to research, prepare and draft an advocacy plan in lieu of a final exam.

Note: There may be days throughout the winter term that require attendance beyond the scheduled times. Please refer to the course syllabus and page for more information.

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## Algorithms, Rights, and Responsibilities

**Course #:** 3040      **Term:** 2021SP      **Faculty:** Kortz, Mason      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

**Course Description:** Prerequisites: None

Exam Type: No Exam

This reading group will address two pressing questions in the world of algorithms and the law: who holds the rights in beneficial algorithms and the outputs they create, and who is responsible when algorithms cause injury or harm? We will learn about and discuss ownership of code, algorithms, and statistical models; how generative artificial intelligences interact with intellectual property regimes, including copyright and patent; who is responsible when an artificial intelligence such as the driver of a self-driving car causes an injury; how we provide recourse for algorithmic discrimination; and more.

Note: This reading group will meet on the following dates: January 25, February 8, February 22, March 8, March 22, April 5.

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## American Democracy

**Course #:** 2955      **Term:** 2021SP      **Faculty:** Unger, Roberto Mangabeira; West, Cornel      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function; Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: None

Exam Type: Take-home, not administered by HLS

Democracy, inequality, and nationalism in America. The white working class and American politics. Class and race. Identities and interests. Conditions for socially inclusive economic growth and for the deepening and dissemination of the knowledge economy. Alternative directions of institutional change, viewed in light of American history. Democratizing the market and deepening democracy. Self-reliance and solidarity.

We explore and discuss the past, present, and especially the future of the American experiment among ourselves and with invited guests: thinkers, politicians, social activists, and entrepreneurs.

Readings drawn from classic and contemporary writings about the United States.

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## American Indian Law

**Course #:** 2002      **Term:** 2020FA      **Faculty:** Anderson, Robert      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function; International, Comparative & Foreign Law; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course covers the history and fundamentals of modern federal Indian law in the United States. Topics include the relative bounds of federal, tribal and state jurisdiction over Indian country; hunting, fishing and gathering rights; Indian gaming; and settlement of Alaska Native land claims.

Textbook(s):  
American Indian Law: Cases and Commentary, 4th edRobert T. Anderson, Sarah A. Krakoff, Bethany BergerISBN: 9781642426861Copyright: 2020

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## American Legal History 1776-1865

**Course #:** 2163

**Term:** 2021SP

**Faculty:** Gordon-Reed, Annette

**Credits:** 3.00

**Type:** Elective

**Subject Areas:** Legal History

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 10:20 AM - 11:50 AM

Tue 10:20 AM - 11:50 AM

**Course Description:** Prerequisites: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course is designed to consider the development of American law from the time of the founding of the United States to the beginning of the period of Reconstruction. It will not be a march through the evolution of legal doctrines, though we will discuss the development of various doctrines. Law, for our purposes, is broadly defined to include, among other things, the structure of the government that was created after the Revolution, statutory and common law, and customs. We will proceed in rough chronology, deviating when it makes sense to do so.

In history, context is all. To understand the development of any country's legal system, one must know something of the people (powerful and not), the society, and culture in which that system came into being. This is necessarily, then, a course in American history. If context is critical to historical study, recognizing the role of contingency must also guide our consideration. Things did not always have to happen the way they happened. With that in mind, we can say that the creation of the United States turns out to have been a pivotal moment in the history of the world. We are going to consider the choices made when creating the American Republic as a nation of laws from the 1770s to the 1860s. Many of those choices helped to shape American identities, and resonate to this day. It will be fun, and instructive, to consider how it all unfolded.

Note: This course is jointly-listed with FAS as History 1405.

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## American Legal History: Law, Economy, and Society in the Era of the American Revolution

**Course #:** 3043      **Term:** 2021SP      **Faculty:** Mann, Bruce      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Legal History

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
The seminar will examine the legal and constitutional history of late-colonial America and the early republic, an era that spans the middle of the eighteenth century to the first decades of the nineteenth. Reading for the seminar will include books, articles, amicus briefs, and some primary materials on topics such as the impact of law on the Revolution, the impact of the Revolution on law, crime and punishment, probing for original intent, the conservative and revolutionary roles of law in economy and society, and changing legal definitions of slavery, freedom, and dependence.

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## American Safety Net from the Civil War to COVID-19

**Course #:** 3057      **Term:** 2021SP      **Faculty:** Gwin, Elizabeth      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Family, Gender & Children's Law; Government Structure & Function; Human Rights; Legal History

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: None  
Exam Type: No Exam  
From public assistance for Civil War widows, New Deal programs to address the Great Depression, and growing calls for a universal basic income (UBI), the concept of an American safety net and who should have access to it has mirrored American ideas and debates about the role of government and who deserves its protections. Most recently, during the COVID-19 pandemic, the U.S. government provided cash payments to a broad swath of the American population and the protests over systemic racism brought new attention to proposals for cash reparations to the descendants of enslaved Americans. This reading group explores the various models for providing public benefits throughout American history, including an examination of the constitutional rights provided to beneficiaries, the role of racism and other forms of discrimination, efforts to tie entitlement to public benefits to moral judgments, and the role immigration status and disability play in determining access to our safety net. This group will invite discussion about how public benefits may evolve in the future, especially following the current pandemic. We will use a range of texts (judicial opinions, scholarly writing, and popular commentary) to explore these topics.

Note: This reading group will meet on the following dates: March 9, March 23, March 30, April 6, April 13, and April 20.

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## An Introduction to Derivatives

**Course #:** 3029      **Term:** 2021SP      **Faculty:** Abrams, Howard      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Taxation

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This reading group will introduce students to the basic forms of derivatives used in financial engineering including forwards, futures, put and call options of various types, option valuation, option sensitivities, hedging, and the put/call parity equation. If time permits, the final class will include an overview of option taxation.

Note: This reading group will meet on the following dates: 2/2, 2/9, 2/16, 2/23, 3/2, 3/9.

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## Analytical Methods for Lawyers

**Course #:** 2006

**Term:** 2020FA

**Faculty:** Spier, Kathryn

**Credits:** 3.00

**Type:** Elective

**Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 8:30 AM - 10:00 AM

Tue 8:30 AM - 10:00 AM

**Course Description:** Prerequisite: None. This course is designed to be fully accessible to those with no prior quantitative training or background in the subjects covered.

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

Lawyers in almost every area of practice (litigation, corporate, government, public interest) deal routinely with problems that are usefully illuminated by basic business and economic concepts. This course is designed to teach the most important analytical methods to law students, in a manner that will be fully accessible to those with no prior quantitative training or background in the subjects covered. Using text, classroom activities, and written exercises, we will explore how these tools may be used to analyze concrete problems that arise in a wide range of legal practice settings. The course will consist of seven units:

1. Decision Analysis, Games and Information: Lawyers assist their clients in making a wide variety of decisions, ranging from the settlement of lawsuits to the purchase of property. We will explore a standard technique that has been developed to organize thinking about decision-making problems and to solve them. We will also consider strategic interactions between parties and considerations related to imperfect information.

2. Contracting: Lawyers write many contracts, concerning such matters as acquisitions of land or corporations, creation of partnerships and nonprofit entities, settlement of lawsuits, financing arrangements, and government procurement. This unit presents practical principles concerning what issues should be addressed in contracts and how they might best be resolved.

3. Accounting: Lawyers who counsel clients in conducting their affairs or who represent them in litigation must understand the parties financial circumstances and dealings, which often are represented in financial statements. Basic accounting concepts will be introduced, and the relationship between accounting information and economic reality will be examined.

4. Finance: Legal advice in business transactions, division of assets upon divorce, litigation, and many other matters require knowledge of valuation, assessment of financial risk, and comprehension of the relationships between those who provide financing and those who need it. We will consider basic principles of finance, such as present value, the tradeoff between risk and return, the importance of diversification, and basic methods for valuing financial assets.

5. Microeconomics: Lawyers need to understand their clients and other parties economic situations and opportunities as well as the principles that underlie many of the rules of our legal system. This unit presents basic economic concepts-the operation of competitive markets, imperfect competition, and market failures-that are necessary to this understanding.

6. Law and Economics: Legal rules have important effects on clients interests, which must be appreciated by lawyers who advise them and by judges, regulators, and legislators who formulate legal rules. We will explore these effects using the economic approach to law, with illustrations from torts, contracts, property, law enforcement, and legal procedure.

7. Statistics: Legal matters increasingly involve the use of statistics in business contexts, in the promulgation of government regulations, in the measurement of damages, in attempts to make inferences concerning parties behavior (such as those regarding discrimination in employment), and in determination

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of causation (in tort, contract, and other disputes). We will address the basic statistical methods, including regression analysis, as well as issues that commonly arise when statistics are used in the courtroom.

Textbook(s): Analytical Methods for Lawyers by Jackson, Kaplow, Shavell, Viscusi and Cope. Students are welcome to use either the second or third edition.&nbsp;

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## Animal Law & Policy Clinic

**Course #:** 8052      **Term:** 2020FA      **Faculty:** Meyer, Katherine; Negowetti, Nicole      **Credits:** 5.00

**Type:** Clinic      **Subject Areas:** Environmental Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Animal Law and Policy Clinical Seminar (2 fall classroom credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: This clinic requires that students have completed or are concurrently enrolled in one of the following courses: Animal Law, Wildlife Law, Farmed Animal Law.

By Permission: Yes. Applications are due June 26, 2020.

Add/Drop Deadline: August 14, 2020.

Placement Site: HLS.

The Animal Law & Policy Clinic will provide students with direct hands-on experience in animal advocacy on behalf of both captive animals and wildlife, including litigation, legislation, administrative practice, and policymaking.

Application Process: Admission to the Animal Law & Policy Clinic is by permission of the instructors. Interested students should submit an application to Professor Katherine Meyer (kmeyer@law.harvard.edu) and Nicole Negowetti (nnegowetti@law.harvard.edu) by June 26, 2020. The application should include the following documents, combined into a single PDF: a resume, a writing sample that has not been substantially edited by anyone other than the student, and a statement of interest (no more than 1 page) that includes: (i) which semester the student is applying for; (ii) the student's reasons for applying to the Clinic, including the particular animal law issues of interest; and (iii) if applying for the fall term, whether the student would be interested in continuing the Clinic during the Spring semester.

In addition to the pre-requisite courses, applicants should indicate in their application whether they have taken any of the following courses:

Environmental Law  
Food Law & Policy  
Administrative Law  
Constitutional Law  
Federal Civil Procedure

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## Animal Law & Policy Clinic

**Course #:** 8052      **Term:** 2021SP      **Faculty:** Meyer, Katherine; Negowetti, Nicole      **Credits:** 5.00

**Type:** Clinic      **Subject Areas:** Environmental Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Animal Law and Policy Clinical Seminar (2 spring classroom credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: This clinic requires that students have completed or are concurrently enrolled in one of the following courses: Animal Law, Wildlife Law, Farmed Animal Law.

By Permission: Yes. Applications are due June 26, 2020. Applications will be considered on a rolling basis after this deadline.

Add/Drop Deadline: December 4, 2020.

Placement Site: HLS.

The Animal Law & Policy Clinic will provide students with direct hands-on experience in animal advocacy on behalf of both captive animals and wildlife, including litigation, legislation, administrative practice, and policymaking.

Application Process: Admission to the Animal Law & Policy Clinic is by permission of the instructors. Interested students should submit an application to Professor Katherine Meyer (kmeyer@law.harvard.edu) and Nicole Negowetti (nnegowetti@law.harvard.edu) by June 26, 2020. The application should include the following documents, combined into a single PDF: a resume, a writing sample that has not been substantially edited by anyone other than the student, and a statement of interest (no more than 1 page) that includes: (i) which semester the student is applying for; (ii) the student's reasons for applying to the Clinic, including the particular animal law issues of interest; and (iii) if applying for the fall term, whether the student would be interested in continuing the Clinic during the Spring semester.

In addition to the pre-requisite courses, applicants should indicate in their application whether they have taken any of the following courses:

Environmental Law  
Food Law & Policy  
Administrative Law  
Constitutional Law  
Federal Civil Procedure

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## Animal Law & Policy Clinical Seminar

**Course #:** 3004      **Term:** 2020FA      **Faculty:** Meyer, Katherine; Negowetti, Nicole      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Environmental Law; Procedure & Practice; Regulatory Law  
**Delivery Mode:** Seminar  
**Days and Times:**      **Location**  
Wed 3:00 PM - 5:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Animal Law Clinic (3-5 fall clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: This clinic requires that students have completed or are concurrently enrolled in one of the following courses: Animal Law, Wildlife Law, Farmed Animal Law.

By Permission: Yes. Applications are due by June 26, 2020.  
Add/Drop Deadline: August 14, 2020.

This two-credit seminar is the required classroom component for students enrolled in the Animal Law and Policy Clinic, and will be available only to those students. The seminar will introduce students to the overarching issues that non-human animal law advocates face in their work, including Article III standing, Administrative Procedure Act review, rulemaking petitions, open-government laws, and basic litigation, legislative, administrative, and organizing strategies. The seminar will also teach students how to pursue advocacy under several substantive areas of the law, including (but not limited to) the Endangered Species Act, the National Environmental Policy Act, the Animal Welfare Act, the Humane Slaughter Act, the Marine Mammal Protection Act, the Wild Horse and Burros Act, and state animal cruelty codes. Note: This seminar will meet in the ALPC offices at 1607 Mass Ave.

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## Animal Law & Policy Clinical Seminar

**Course #:** 3004      **Term:** 2021SP      **Faculty:** Meyer, Katherine; Negowetti, Nicole      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Environmental Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 3:00 PM - 5:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Animal Law Clinic (3-5 spring clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: This clinic requires that students have completed or are concurrently enrolled in one of the following courses: Animal Law, Wildlife Law, Farmed Animal Law.

By Permission: Yes. Applications are due June 26, 2020. Applications will be considered on a rolling basis after this deadline.  
Add/Drop Deadline: December 4, 2020.

This two-credit seminar is the required classroom component for students enrolled in the Animal Law and Policy Clinic, and will be available only to those students. The seminar will introduce students to the overarching issues that non-human animal law advocates face in their work, including Article III standing, Administrative Procedure Act review, rulemaking petitions, open-government laws, and basic litigation, legislative, administrative, and organizing strategies. The seminar will also teach students how to pursue advocacy under several substantive areas of the law, including (but not limited to) the Endangered Species Act, the National Environmental Policy Act, the Animal Welfare Act, the Humane Slaughter Act, the Marine Mammal Protection Act, the Wild Horse and Burros Act, and state animal cruelty codes.  
Note: This seminar will meet in the ALPC offices at 1607 Mass Ave.

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## Antitrust Law & Economics - Global

**Course #:** 2099      **Term:** 2021SP      **Faculty:** Elhauge, Einer      **Credits:** 5.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:20 AM - 12:00 PM  
Tue 10:20 AM - 12:00 PM  
Wed 10:20 AM - 12:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD international/comparative requirement.  
Prerequisites: None  
  
Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

Given the reality of global markets, modern antitrust law and legal practice are both global, as is any anticompetitive conduct they seek to regulate on global markets. This course thus teaches basic antitrust principles using cases and materials from throughout the world, with the focus on US and EC sources because those are the most active antitrust enforcers and have the most well developed antitrust doctrines.  
The book will be ELHAUGE & GERADIN, GLOBAL ANTITRUST LAW & ECONOMICS (Foundation Press 3d ed. 2018).  
Note: Students who have taken U.S. Antitrust Law may not take this course because it duplicates the U.S. portion of the material covered in Global Antitrust Law.

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## Appellate Courts and Advocacy Workshop

**Course #:** 2426

**Term:** 2021WI

**Faculty:** Wolfman, Brian

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Government Structure & Function; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 9:00 AM - 12:00 PM

Tue 9:00 AM - 12:00 PM

Wed 9:00 AM - 12:00 PM

Thu 9:00 AM - 12:00 PM

Fri 9:00 AM - 12:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

The Appellate Courts and Advocacy Workshop combines a substantive review of key appellate litigation doctrines concerning appellate jurisdiction, standards of review, and other topics, with a significant litigation-skills component, including motion and brief writing. The course considers each stage of the appellate litigation process beginning with a general overview, moving to the various bases for appellate jurisdiction in the federal courts, then discussing standards of review, and concluding with an intense review of the anatomy of an appellate brief. We will also briefly consider U.S. Supreme Court practice. Students considering clerkships, particularly appellate clerkships, after graduation generally find this course useful.

There are about a half dozen small-to-medium-sized writing assignments, which have two purposes: They introduce students to an aspect of appellate practice, and they demand application of one or more of the course's doctrinal topics. In addition to these smaller assignments, students are also responsible for writing an appellate brief. For all assignments, students are provided copies of relevant practice rules, statutes, cases, and other items. No outside research is involved.

The doctrinal portion of the course and the corresponding small-to-medium-sized writing assignments will be covered during the first two weeks of the January Term. The appellate brief will be completed early in the Spring Term. During the Spring Term, each student will have a one-on-one meeting with the teacher to review a draft appellate brief.

The instructor, Brian Wolfman, is an Associate Professor and Director of the Appellate Courts Immersion Clinic at Georgetown Law. Before that, he was a co-director of Stanford Law School's Supreme Court Litigation Clinic. Before joining Stanford in 2014, for five years, Mr. Wolfman was co-Director of Georgetown Law's Institute of Public Representation, where he directed a student-based clinic that handled a mix of individual civil-rights cases and public-interest "impact" litigation. He is the former Director of Public Citizen Litigation Group, a public-interest law firm in Washington, D.C., where he practiced for nearly 20 years. He has litigated dozens of cases in courts of appeals and in the Supreme Court.

Note: The credit breakdown for this course is as follows: three total credits, with two law classroom credits awarded during the January Term and one writing credit awarded during the Spring Term.

This course will meet for the first two weeks of the winter term.

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This course is open to upper-level JD students only.

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## Applied Quantitative Analysis for Lawyers

**Course #:** 2009      **Term:** 2021SP      **Faculty:** Avedian, Arevik      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 9:30 AM - 11:30 AM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
Empirical methods are increasingly used in legal research and practice. This course covers a broad range of topics, including descriptive statistics, hypothesis testing and statistical analysis and interpretation. We will cover how and when to apply particular models, access, clean, merge datasets, analyze, interpret, report data and create tables and graphs using Stata statistical software. No background in Stata will be assumed. The course will culminate with an empirical paper where you will get an opportunity to practice what you learn during the semester and present your work to the class. Two options will be provided to the students for their final paper: (1) an empirical paper on a topic of your interest or (2) a replication paper. There is a growing awareness of the importance of replication in the empirical legal field. Producing or reproducing an empirical work will give students an opportunity to learn the methods used, data wrangling, or challenges and solutions that researchers encounter producing empirical work. Students who are replicating will be required to extend the study either by proposing or implementing (desired but not required) a change to the original study through use of additional variables, different time periods/techniques/robustness checks, etc.

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## Armed Conflict and Humanitarian Protection

**Course #:** 2509      **Term:** 2020FA      **Faculty:** Docherty, Bonnie      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: International Human Rights Clinic (3-5 fall clinical credits). Students enrolled in the fall clinic must enroll in either this clinical seminar or Human Rights Advocacy (2 fall classroom credits). Students are not guaranteed their first choice of clinical seminars. Clinical seminar selection and enrollment occurs once a student has enrolled in the fall clinic and is orchestrated by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020.  
LLM Students: LLM students may apply to the clinic by submitting an application.  
Placement Site: HLS.  
Armed conflict inflicts physical, psychological, and socioeconomic suffering on civilians caught in its path. Militaries kill and injure bystanders due to their choice of certain weapons and/or tactics. Armed forces may also intentionally harm noncombatants to advance their goals. Collectively these actions impose immediate and long-term harm on individuals and societies.  
Minimizing such suffering presents many challenges for lawyers and advocates. This clinical seminar will explore ways to advance civilian protection during and after armed conflict. Following an introduction to the costs of conflict and the idea of limited war, the course will examine a wide spectrum of strategies, such as naming and shaming, treaty negotiation, international criminal justice, victim assistance, diplomacy, peacekeeping, and humanitarian intervention. Students will assess the promises and limitations of each strategy and consider how to determine the most appropriate one for a specific situation. Through role-playing exercises, they will also learn practical skills needed to work in the field. A fall clinical practice component is required of all students. Clinical placements are with the International Human Rights Clinic.

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## Armed Conflict and World Heritage

**Course #:** 2824

**Term:** 2021SP

**Faculty:** Docherty, Bonnie

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

While armed conflict inflicts much publicized suffering on individuals and their families, the scourge of war reaches has a broader reach. It also affects cultural and natural heritage, which international law defines as having outstanding universal value. Combatants intentionally destroy historical or religious sites or fail to take precautions to protect them. Victors seize art as a spoil of war, while looters sell archaeological artifacts to fund their cause. Conflict-related contamination causes lasting harm to human health and the environment. Combat operations spoil habitats, guerillas poach endangered species, and unexploded ordnance impinges on ecosystems long after hostilities have ceased.

This reading group will examine the threats to world heritage in past and current conflicts as well as the challenges of protection. Students will consider such questions as: When does something rise to the level of world heritage? What are the moral and legal arguments for protecting culture and nature during armed conflict? Is destruction of cultural property or the environment justified to save soldiers or civilians or to advance military objectives? Should the same standards of protection be applied to both types of heritage? Students will also study the legal instruments governments have adopted to address these issues and look for ways to strengthen the current framework.

Note: This reading group will meet on the following dates: 1/26, 2/9, 2/23, 3/9, 3/30, 4/13.

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## Art of Social Change

**Course #:** 2011      **Term:** 2021SP      **Faculty:** Bartholet, Elizabeth; Hazen, Crisanne      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Criminal Law and Procedure; Family, Gender & Children's Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
This course deals with strategies for changing law and policy, focusing on child welfare (abuse and neglect, foster care, adoption), education, and juvenile justice. We bring into the classroom as visiting lecturers leaders from the worlds of policy, practice, and academia—successful change agents representing different disciplines, career paths, and strategies for change. We explore significant reform initiatives, and debate with the speakers and each other how best to advance children’s interests. The emphasis is on different approaches to social change, inside and outside of the courtroom, with the goal of informing students’ future advocacy efforts.  
Visit the Child Advocacy Program (CAP) website to see a schedule of the speakers and topics from previous semesters.  
Course requirements consist of reaction papers related to the readings and class presentations.  
This course is part of the Child Advocacy Program (CAP), whose other courses include: Child, Family, and State, Children and the Law, Family Law, the Child Advocacy Clinics, and the Future of the Family seminar.  
Enrollment in other CAP courses is encouraged.  
Cross-registrants are welcome.

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## Autonomous Vehicles and the Law

**Course #:** 2040      **Term:** 2020FA      **Faculty:** Weinstock, Jordi      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

Advances in artificial intelligence (AI) have generated excitement and anxiety about the impact of autonomous systems on our society. A common theme in discussions about AI is the difficulty in determining who is responsible when autonomous systems cause harm. Over the course of the semester, we will investigate this question of liability through the case study of self-driving cars and other autonomous vehicles. We will explore the historical basis of automobile liability, discuss how AI complicates our traditional approach to assigning legal responsibility, and examine the ethical challenge inherent in designing systems that can autonomously make life-and-death decisions. Finally, we will consider the way that rules and laws developed to address liability in the self-driving car space may be implemented across other emerging but critically important AI-influenced fields, such as health care, finance, and industrial production.

Note: This reading group will meet on the following dates: 9/8, 9/15, 9/29, 10/6, 10/20, 10/27

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## Bankruptcy

**Course #:** 2013      **Term:** 2020FA      **Faculty:** Roe, Mark      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 3:20 PM - 4:40 PM

Tue 3:20 PM - 4:40 PM

Wed 3:20 PM - 4:40 PM

**Course Description:** Co-requisite: Students without prior basic exposure to business should normally take Corporations concurrently.

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This basic bankruptcy course covers the major facets of bankruptcy that influence business financing transactions. Much of the deal-making in a financing transaction is negotiated in anticipation of a possible reorganization in Chapter 11 or of a private reorganization in its shadow. I.e., corporate lawyers often negotiate loans for their business clients; regulators, creditors, and employees of shaky companies want to know what will happen if the company goes bankrupt. For many lawyers, contact with bankruptcy law is anticipatory and not in front of the bankruptcy judge. When feasible, students will read not just bankruptcy court opinions and the Bankruptcy Code, but materials that financing lawyers use day-to-day: a loan agreement, a prospectus, a complaint in a loan dispute, and SEC submissions. Students will ordinarily participate in a simulated Chapter 11 reorganization.

Textbook(s): (Required) ISBN: ISBN-13:&nbsp;978-1609304263 Author: Mark Roe and Frederick Tung Title: Bankruptcy and Corporate Reorganization, Legal and Financial Materials Edition: 4th Edition publisher: Foundation Press

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## Becoming a Law Professor

**Course #:** 2416

**Term:** 2021SP

**Faculty:** Tobin, Susannah

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Mon 10:30 AM - 11:30 AM

**Course Description:** Prerequisite: Admission is by application via email to Susannah Barton Tobin at [stobin@law.harvard.edu](mailto:stobin@law.harvard.edu) by October 31, 2020. Please include a paragraph expressing your interest in the reading group and a CV.

Exam Type: No Exam

As is the norm with reading groups, there will be no examination or paper requirement, and the class will be graded credit/fail.

This reading group will focus on the generative scholarly process that is at the center of the life of the law professor. Each week, a member of the faculty will present a working draft of her or his scholarship, and that piece will be discussed by the group. Discussions will focus in part on the genesis of the research project being presented, in order to demonstrate how articles develop from the first spark of an idea to final publication. Students will also explore substantive issues raised in the pieces, the better to become familiar with the latest work being done across a variety of subject areas. Students will also develop their own research and scholarly agendas as the semester progresses.

Note: This reading group meets weekly.

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## Behavioral Economics, Law and Public Policy

**Course #:** 2589

**Term:** 2021SP

**Faculty:** Sunstein, Cass; Allcott, Hunt

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Disciplinary Perspectives & Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 1:00 PM - 3:00 PM

**Course Description:** Prerequisite: Instructor permission is required. Please send a statement of interest and your resume to Brenda Bee (bbee@law.harvard.edu).

Exam Type: No Exam

This seminar will explore a series of issues at the intersection of behavioral economics and public policy. Potential questions will involve climate change; energy efficiency; health care; and basic rights. There will be some discussion of paternalism and the implications of neuroscience as well.

Note: This seminar is jointly listed with FAS as ECON 2050 & HKS as API-305.

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## Beyond "Economic Growth": Practice, Theory, and Potential

**Course #:** 3074      **Term:** 2021SP      **Faculty:** White, Lucie      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Environmental Law; Government Structure & Function; Human Rights

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Tue 8:00 PM - 10:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam

Mainstream development economics holds that increasing nations' GDP is required to improve peoples' well-being. But this growth obsession is no longer working. The global climate crisis shows how the Earth itself cannot take it. Toxic wastes are mounting, while frenzied extraction is eroding the land and polluting the seas. Mega-cities, devoid of adequate infrastructure, are expanding on every continent. Growth-propelled inequalities are spiraling. Good work is in short supply and low-paid workers are undermined by short-cuts in job safety and speed-up on the production line. In the face of these mounting forces, theorists and activists from many sectors are pushing back against the mantra of growth-at-all-costs through a new de-growth consensus.

The practical challenges of de-growth are both great and converging. How can political/economic/legal worlds be linked at the local, regional, national, and even global levels, so as to enable communities to thrive? How can extraction and production be orchestrated so as to make what we need and want without flooding us with what we don't? How can the land be shared, preserved, and used so as to provide food security, living space, well-being, and more? How can just financial institutions be created on the community level? Promising experiments in all these spheres are now under way. At the same time global networks of scholars are creating forward-looking theories to undergird this hands-on work.

In this Reading Group we will map the literatures in the emerging de-growth field. We will start by surveying several examples of de-growth experiments in production, housing, food, and community justice. We will then survey key theoretical interventions in the domains of de-growth, post-development, and Buen Vivir through key readings. We will then consider de-growth themes in human rights doctrines and national constitutions. Finally, we will consider strategies of leading de-growth social movements.

Note: This reading group will meet on the following dates: 2/2, 2/16, 3/10, 3/23, 3/30, 4/13.

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## Bioethics and Health Law: Selected Topics

**Course #:** 2037

**Term:** 2021WI

**Faculty:** Cohen, I. Glenn

**Credits:** 3.00

**Type:** Elective

**Subject Areas:** Health Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 1:00 PM - 4:30 PM

Tue 1:00 PM - 4:30 PM

Wed 1:00 PM - 4:30 PM

Thu 1:00 PM - 4:30 PM

Fri 1:00 PM - 4:30 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This class covers selected topics in health care law, public health law, and (especially) bioethics. Among the topics that may be covered are: informed consent, medical confidentiality (including issues pertaining to medical big data), the duty to treat, conscientious objection in health care, ownership and patenting of human tissue, organ donation and allocation, abortion, reproductive technologies, end of life decision-making, the definition of death, and mandatory testing for diseases.

The course will be run seminar style. Evaluation will be split between a participation grade and a research paper (maximum 8000 words in length) that may be turned in any time before April 15, 2021. The research paper should be related to a topic covered in the course. Students will be expected to participate each and every session, so the course is not a good fit for students uncomfortable speaking in class.

This is a fairly reading-intensive course. Students should expect 60-120 pages of reading a session (though much of it will not be cases).

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## Business Strategy for Lawyers

**Course #:** 2015      **Term:** 2021SP      **Faculty:** Spier, Kathryn      **Credits:** 3.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 8:30 AM - 10:00 AM

Tue 8:30 AM - 10:00 AM

**Course Description:** Prerequisites: Students should have some exposure to microeconomics or a related discipline (e.g., Analytical Methods, Law & Economics, an undergraduate class in economics, finance, etc.). Familiarity with algebra is assumed. Students who are unsure should contact the professor.

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

Requirements include several analytical assignments, frequent in-class evaluations, and a final exam.

This course presents the fundamentals of business strategy to a legal audience. The class sessions include both traditional lectures and business-school case discussions. The lecture topics and analytical frameworks are drawn from MBA curriculums at leading business schools. The cases are selected for both their business strategy content and their legal interest.

The main course material is divided into four parts. The first part presents the basic frameworks for the analysis of strategy. The topics include economic and game theoretic approaches to strategy, competitive advantage and industry analysis. The second part is concerned with organizational and contractual responses to agency problems. Topics include pay-for-performance, corporate control, and the design of partnerships and other business associations. The third part takes a broader view of business associations, considering the horizontal and vertical scope of the firm and the advantages of hybrid organizational forms such as franchising and joint ventures. The fourth part covers special topics in competitive strategy, including product differentiation, tacit collusion, facilitating practices, network externalities, market foreclosure, and innovation.

This course is well-suited for students interested in economic analysis of the law with a strong business and industry focus. Because of the significant overlap with the MBA curriculum, this class is not appropriate for students in the JD-MBA program. Since the lectures and assignments focus on abstract frameworks and theoretic approaches, familiarity with economic reasoning and algebra is assumed.

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## Business Valuation and Financial Statement Analysis

**Course #:** 2090      **Term:** 2021SP      **Faculty:** Dharan, Bala      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 10:20 AM - 11:50 AM

Mon 10:20 AM - 11:50 AM

**Course Description:** Prerequisite: HLS courses "Introduction to Accounting" or "Analytical Methods for Lawyers", or equivalent prior accounting course at another university covering introduction to financial accounting for at least 1 unit or credit. If you are claiming a prior accounting course other than one of the above two HLS courses to satisfy the accounting prerequisite, please email Prof. Dharan with details (e.g., when taken, where, title of the course, how many units or credits, taken for grade or not, etc.) to request approval.

Exam Type: No Exam

This 3-unit spring course is designed to help students develop business valuation and related financial analysis skills. The following topics will be covered: how a firms business strategy and its operating and financial characteristics affect its valuation; review of basic corporate financial reports and disclosures that serve as inputs to valuation analysis; analysis of financial ratios to measure financial risks and returns; analysis of financial disclosures to identify red flags of potential distress or earnings manipulation; valuation issues with taxes, intangibles and financial investments; developing cash flow forecasts; and integrating the above tools and techniques to determine the valuation of a firms equity. Students will learn common valuation methods such as discounted cash flow analysis and earnings based valuation, and also learn to use other approaches used in the valuation industry such the use of valuation multiples and comparable transactions analysis. Examples from court cases involving valuation disputes will be used to illustrate practical valuation problems. The course will be relevant for students in the Law and Business program of study, and to others who wish to prepare for careers in capital markets, corporate transactions, commercial litigation, mergers and acquisitions, and other related areas.

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# Harvard Law School Course Catalog

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## Capital Punishment Clinic

**Course #:** 8005

**Term:** 2021WS

**Faculty:** Steiker, Carol

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Criminal Law and Procedure; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Capital Punishment in America (3 fall classroom credits). Some seats are reserved for clinical students. Once a student enrolls in this clinic, the Office of Clinical and Pro Bono Programs will enroll them in the required course. If a student drops this clinic, they will also lose their seat in the required class component.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: August 31, 2020.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Multi-Semester: This is a winter-spring clinic (2 winter clinical credits + 2-3 spring clinical credits).

Placement Site: Various externship placements.

The Capital Punishment Clinic offers opportunities for students to represent clients with capital sentences through placements at capital punishment resource centers, organizations, law firms, and governmental agencies throughout the country. Clinical work is full-time and on-site during the winter term, and continues on a part-time and remote basis in the spring term. This clinic is graded Credit/Fail.

Please contact the Office of Clinical and Pro Bono Programs for more information about this clinic and its possible placements ([clinical@law.harvard.edu](mailto:clinical@law.harvard.edu) or 617-495-5202).

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# Harvard Law School Course Catalog

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## Capital Punishment in America

**Course #:** 2020      **Term:** 2020FA      **Faculty:** Steiker, Carol      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law and Procedure

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:20 AM - 11:50 AM

Tue 10:20 AM - 11:50 AM

**Course Description:** Prerequisites: For JD students, Criminal Law is required. For LLM students, permission of the instructor is required to waive the requisite.

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course considers the legal, political, and social implications of the practice of capital punishment in America, with an emphasis on contemporary legal issues. The course will frame contemporary questions by considering some historical perspectives on the use of the death penalty in America and by delving into the moral philosophical debate about the justice of capital punishment as a state practice. It will explore in detail the intricate constitutional doctrines developed by the Supreme Court in the four decades since the Court "constitutionalized" capital punishment in the early 1970s. Doctrinal topics to be covered include the role of aggravating and mitigating factors in guiding the sentencers decision to impose life or death; challenges to the arbitrary and/or racially discriminatory application of the death penalty; the ineligibility of juveniles and persons with intellectual disability for capital punishment, limits on the exclusion and inclusion of jurors in capital trials; allocation of authority between judges and juries in capital sentencing; and the scope of federal habeas review of death sentences, among other topics.

Some seats are reserved for students enrolled in the Capital Punishment Clinic. Students who enroll in the Capital Punishment clinic will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student drops the Capital Punishment clinic, they will also lose their reserved seat in this course. Please see the clinics description for more information. There is an early drop deadline for students enrolled in this course through the Capital Punishment clinic.

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# Harvard Law School Course Catalog

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## Capitalism in Crisis

**Course #:** 3032      **Term:** 2020FA      **Faculty:** Desan, Christine; White, Lucie      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

After the fall of the Soviet Union, capitalism appeared triumphant.&nbsp; Commentators equated free markets with democracy and lauded the common law as particularly suited to support them both.&nbsp; But capitalism entered a crisis period with the new millennium.&nbsp; We will read a series of recent works that identify and seek to diagnose the drivers of that crisis.&nbsp; Discussion will focus on the relationship between capitalism and its institutions, with particular focus on the state of social well-being.

Tentative reading list includes:&nbsp;&nbsp;Pistor, Katerina.&nbsp;The Code of Capital:&nbsp;&nbsp;How the Law Creates Wealth and Inequality.&nbsp;&nbsp;Princeton: Princeton University Press, 2019; Streeck, Wolfgang&nbsp;Buying Time: The Delayed Crisis of Democratic Capitalism.&nbsp;&nbsp;New York: Verso, 2017; and Tooze, Adam.&nbsp;Crashed:&nbsp;How a Decade of Financial Crises Changed the World.&nbsp;&nbsp;New York: Penguin Books, 2018.

Note: This reading group will meet on the following dates: September 15, 29, October 20, 27, and November 10, 24.

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## Challenges of a General Counsel: Lawyers as Leaders

**Course #:** 2475      **Term:** 2020FA      **Faculty:** Wilkins, David; Heineman, Benjamin      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Legal Profession, Legal Ethics & Professional Responsibility; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

As the seminar description indicates, in this seminar we will use a series of in-depth case studies to examine the challenges facing General Counsels (GCs) in the private, government, and non-profit sectors. To explore these issues, we will have a number of prominent GCs as guest lecturers, including the GC of American Express (along with Ben Heineman, former GC of GE) in the private sector, the former GCs (although sometimes having different titles) of the Defense Department, State Department, Justice Department, and White House in the public sector, and the GCs of Harvard, the Mellon Foundation, and Partners in Health from the non-profit world. In order to ensure a lively and informative discussion with these senior leaders, we are looking to put together a class of students who collectively have interest and experience in all of these sectors.

This course will explore the three fundamental roles of lawyers -- acute technician, wise counselor, and lawyer as leader -- in a series of problems faced by general counsel in major private sector, public sector and non-profit sector institutions. In the past 25 years, general counsel have risen in power and status within the profession, becoming core members of top management and intimately involved in complex, multi-faceted problem solving and strategy setting. The "cases" in this course involve questions beyond "what is legal" and focus on "what is right," using specific illustrations drawn from the contemporary world - in business (e.g. the BP oil spill, Google's clash with the Chinese government GM's delay in dealing with ignition switch issues); in government (e.g. Guantanamo, don't ask don't tell, Iran sanctions, torture, Libya); and in non-profit organizations (e.g. privacy, sexual harassment policies, patient's rights). These cases involve a broad range of considerations: ethics, reputation, risk management, public policy, politics, communications and organizational citizenship.

The course will advance for critical analysis the idea of the general counsel as lawyer-statesman who has a central role in setting the direction of the organization, but who must navigate complex internal relationships and challenging external ones. The course advances a broad view of lawyers roles and examines the skills, beyond understanding law, required in complex problem solving by the lawyer-statesman. The first four classes of the course will be focus on the role of general counsel in a multi-national corporation, and will be taught by Professors Wilkins and Heineman and a current GC. The next five classes will focus on public sector and will be taught by distinguished leaders who served as White House Counsel, Defense Department GC, Legal Advisor at the State Department, Treasury Department GC and Assistant Attorney General-Legal Counsel at the Justice Department. The final three classes will focus on the non-profit sector and will be taught by the GCs of the Mellon Foundation, Harvard University and Partners Healthcare.

Each class will center around a one or two page hypothetical or real problem dealing with a fundamental challenge faced by general counsels in a rich context involving institutional dynamics, personality, policy, politics, culture and history. In preparation for the discussion, students will read materials from a variety of sources and disciplines designed to give them background on the problem and institution to be discussed. Students will also write 2-3 page response papers (which will be graded pass/fail) using the problem to

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highlight issues they feel are important and to raise questions for the class discussion. Students will be graded on satisfactorily completing all response papers, on actively participating in class discussion, and on a 10 page paper due on the last day of exam period on a topic relating to the role of the GC in a particular setting.

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## Child Advocacy Clinic: Child Welfare, Education & Juvenile Justice

**Course #:** 8001

**Term:** 2021WS

**Faculty:** Hazen, Crisanne

**Credits:** 7.00

**Type:** Clinic

**Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Child Advocacy: Child Welfare, Education & Juvenile Justice Clinical Seminar (2 spring classroom credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: October 30, 2020.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Multi-Semester: This is a winter-spring clinic (2 winter clinical credits + 4-5 spring clinical credits).

Placement Site: Various externship placements. Visit the CAP website to see a list of recent placement sites.

Child Advocacy Clinic: Child Welfare, Education & Juvenile Justice is designed to educate students about a range of social change strategies and to encourage critical thinking about the pros and cons of different approaches. The Clinic includes both a classroom seminar and clinical fieldwork component. A variety of substantive areas impacting the lives of children are addressed with a focus on child welfare (abuse and neglect, foster care, and adoption), education, and juvenile justice. The Clinic is relevant for students not only with a particular interest in children's issues, but also for those more generally interested in social change.

Enrollment Options: The Child Advocacy Clinic offers two different clinical fieldwork options: a spring-only clinic and a winter-spring clinic. This offering is for the winter-spring Child Advocacy Clinic. During the winter term, students engage in full-time work at sites that could be located either in the Boston area, or in another state. During the spring term, students engage in part-time work (16-20 hours/week for 4-5 clinical credits) at the same site. (If the site is out-of-state, the student will work remotely, from Cambridge during the spring.)&nbsp; The available placements will be determined by CAP, in close consultation with the needs and interests of the student.&nbsp; Students will have the opportunity to convey their location preferences and will only be placed out-of-state by agreement.&nbsp; Enrollment is capped at 8 students.&nbsp;&nbsp;

This course is open only to students who have not taken the Child Advocacy Clinic: System-Involved Youth (held in the fall semester).&nbsp;

Fieldwork Component:&nbsp; &nbsp;Students are placed in a wide array of fieldwork settings, ranging from organizations providing individual advocacy, to those promoting systemic change through impact litigation and legislative reform, to grassroots organizing initiatives, to social enterprises. Some students will work for reform from within the system and others from outside.

Based on their particular placements, students may: engage in research and writing in support of impact litigation, engage in courtroom advocacy; participate in school and home visits; assist with interviews of child victims; analyze social science and psychological research; leverage the media and write op-ed articles; prepare for city council or legislative hearings; provide trainings to youth, parents, teachers, attorneys, and police officers; develop legislative reform proposals; participate in mediations; and provide strategic advice to start-ups. For instance:

In the child welfare area, students may represent individual children who are abused and neglected; serve

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alongside District Attorneys prosecuting caretakers accused of child maltreatment; or work with juvenile court judges adjudicating care and protection and other child welfare cases.

In the education area, students may engage in efforts to advance educational outcomes for low-income students; participate in special education cases; or work with the state agency charged with overseeing schools on issues such as charter schools, assessment and accountability, student rights, and school discipline.

In the juvenile justice area, students may support legislative changes to improve conditions of confinement for juveniles; promote policies to reform the justice system for youth of color; or work alongside juvenile defenders in delinquency and youthful offender cases.&nbsp;

Note that many placements cut across substantive areas and engage students in a host of advocacy strategies and skills.&nbsp;&nbsp;

Matching Process: Once enrolled in the Clinic, the Child Advocacy Program (CAP) will provide students with a list of fieldwork placement organizations and their potential projects. Students will give CAP information about their background and interests and rank their placement preferences. CAP will then match students with a placement based on their preferences, the organizations needs, and CAPs mission to provide students with a broad spectrum of experiences. Please note that the matching process takes place during the fall semester; enrolled students will need to be available to communicate with CAP and their host organization about various details.&nbsp; Visit the Child Advocacy Clinic webpage for a list of organizations where clinic students have been placed in prior years.

This course is part of the Child Advocacy Program (CAP), whose other courses are: Child Advocacy Clinic: System-Involved Youth (fall semester); Art of Social Change: Child Welfare, Education & Juvenile Justice; Child, Family, and State (alternating years); Family Law (alternating years); and the Future of the Family seminar. Enrollment in all CAP courses is encouraged but not required.

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## Child Advocacy Clinic: Child Welfare, Education & Juvenile Justice

**Course #:** 8001      **Term:** 2021SP      **Faculty:** Hazen, Crisanne      **Credits:** 5.00

**Type:** Clinic      **Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Child Advocacy: Child Welfare, Education & Juvenile Justice Clinical Seminar (2 spring classroom credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: November 25, 2020.  
LLM Students:&nbsp;International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.  
Placement Site: Various externship placements. Visit the CAP website to see a list of recent placement sites.  
Child Advocacy Clinic:&nbsp;Child Welfare, Education & Juvenile Justice is designed to educate students about a range of social change strategies and to encourage critical thinking about the pros and cons of different approaches. It addresses a variety of substantive areas impacting the lives of children, with a focus on child welfare (abuse and neglect, foster care, and adoption), education, and juvenile justice. The Clinic is relevant not only for students with a particular interest in childrens issues, but also for those more generally interested in social change.  
Enrollment Options:&nbsp;Child Advocacy Clinic:&nbsp;Child Welfare, Education & Juvenile Justice offers two different clinical fieldwork options: a spring-only clinic and a winter-spring clinic. This offering is for the spring Child Advocacy Clinic. Spring clinical students work part-time (16-20 hours/week for 4-5 clinical credits) at local organizations in the Greater Boston area. Enrollment in the spring clinic is capped at 12 students.  
This course is open only to students who have not taken the Child Advocacy Clinic: System-Involved Youth (held in the fall semester).&nbsp;  
Fieldwork Component: Students are placed in a wide array of fieldwork settings, ranging from organizations providing individual advocacy, to those promoting systemic change through impact litigation and legislative reform, to grassroots organizing initiatives, to social enterprises. Some students will work for reform from within the system and others from outside.  
Based on their particular placements, students may: engage in courtroom advocacy; participate in school and home visits; assist with interviews of child victims; analyze social science and psychological research; leverage the media and write op-ed articles; prepare for city council or legislative hearings; provide trainings to youth, parents, teachers, attorneys, and police officers; develop legislative reform proposals; participate in mediations; and provide strategic advice to start-ups. For instance:  
  
In the child welfare area, students may represent individual children who are abused and neglected; serve alongside District Attorneys prosecuting caretakers accused of child maltreatment; or work with juvenile court judges adjudicating care and protection and other child welfare cases.  
In the education area, students may engage in efforts to advance educational outcomes for low-income students; participate in special education cases; or work with the state agency charged with overseeing schools on issues such as charter schools, assessment and accountability, student rights, and school discipline.  
In the juvenile justice area, students may support legislative changes to improve conditions of

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confinement for juveniles; promote policies to reform the justice system for youth of color; or work alongside juvenile defenders in delinquency and youthful offender cases.

Note that many placements cut across substantive areas and engage students in a host of advocacy strategies and skills.

Matching Process: Once enrolled in the Clinic, the Child Advocacy Program (CAP) will provide students with a list of fieldwork placement organizations and their potential projects. Students will give CAP information about their background and interests and rank their placement preferences. CAP will then match students with a placement based on their preferences, the organizations needs, and CAPs mission to provide students with a broad spectrum of experiences. Please note that the matching process takes place during the fall semester; enrolled students will need to be available to communicate with CAP and their host organization about various details.&nbsp; Visit the CAP Clinic webpage for more about the Clinic, including answers to frequently asked questions and a list of recent placement sites.

This course is part of the Child Advocacy Program (CAP), whose other courses are: Child Advocacy Clinic: System-Involved Youth (fall semester); Art of Social Change:&nbsp; Child Welfare, Education & Juvenile Justice; Child, Family, and State (alternating years); Family Law (alternating years); and the Future of the Family seminar. Enrollment in all CAP courses is encouraged but not required.

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## Child Advocacy Clinic: System-Involved Youth

**Course #:** 8001      **Term:** 2020FA      **Faculty:** Hazen, Crisanne      **Credits:** 5.00

**Type:** Clinic      **Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Child Advocacy: System-Involved Youth Clinical Seminar (2 fall classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: June 30, 2020.  
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.  
Placement Site: Various externship placements. Visit the CAP website to see a list of recent placement sites.  
Child Advocacy Clinic: System-Involved Youth is designed to educate students about a range of issues faced by children and youth involved in the child welfare and juvenile justice systems. With a specific focus on adolescents and young adults, this course will address issues such as transitioning out of the foster care system, sexual exploitation, LGBTQ youth, and the rights of youth in the juvenile justice system. This course is open only to students who have not taken Child Advocacy Clinic: Child Welfare, Education & Juvenile Justice (held in the winter-spring or spring-only semesters).  
Enrollment Options: Child Advocacy Clinic: System-Involved Youth is a fall course. Clinical students work part-time (16-20 hours/week for 4-5 clinical credits) at local organizations in the Greater Boston area.&nbsp; Enrollment in this course is capped at 12 students.  
Fieldwork Component: Students are placed in a wide array of fieldwork settings, ranging from organizations providing individual advocacy, to those promoting systemic change through impact litigation and legislative reform, to government agencies.  
Based on their particular placements, students may: engage in courtroom advocacy; participate in school and home visits; assist with interviews of child victims; analyze social science and psychological research; leverage the media and write op-ed articles; prepare for city council or legislative hearings; provide trainings to youth, parents, teachers, attorneys, and police officers; develop legislative reform proposals; and participate in mediations. For instance:  
• Within the child welfare system, students may represent individual children who are abused and neglected; participate in efforts by the Department of Children and Families to address the needs of transition-aged youth; or work with juvenile court judges adjudicating care and protection and other child welfare cases.  
• Within the juvenile justice system, students may work to end the school-to-prison pipeline; promote policies to reform the justice system for youth of color; help youth being sexually trafficked; or work alongside juvenile defenders in delinquency and youthful offender cases.  
Note that many placements cut across substantive areas and engage students in a host of advocacy strategies and skills.  
Matching Process: Once enrolled in the Clinic, the Child Advocacy Program (CAP) will provide students with a list of fieldwork placement organizations and their potential projects. Students will give CAP information about their background and interests and rank their placement preferences. CAP will then match students with a placement based on their preferences, the organizations needs, and CAPs mission to provide students with a broad spectrum of experiences. Visit the CAP Clinic webpage for more information about

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the Clinic, including answers to frequently asked questions and a list of recent placement sites.  Please note that the matching process takes place during the summer, so enrolled students will need to be available to correspond with CAP and their host organization about various details.    This course is part of the Child Advocacy Program (CAP), whose other courses are: Child Advocacy Clinic: Child Welfare, Education & Juvenile Justice (winter-spring or spring semesters); Art of Social Change: Child Welfare, Education & Juvenile Justice; Child, Family, and State (alternating years); Family Law (alternating years); and the Future of the Family seminar. Enrollment in all CAP courses is encouraged but not required.

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## Child Advocacy: Child Welfare, Education & Juvenile Justice Clinical Seminar

**Course #:** 2021      **Term:** 2021SP      **Faculty:** Hazen, Crisanne      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Required Clinic Component: Child Advocacy Clinic: Child Welfare, Education & Juvenile Justice, either during the winter-spring (2 winter clinical credits + 4-5 spring clinical credits) or spring (4-5 spring clinical credits). Students who enroll in either of the two clinic offerings (winter-spring or spring) will be enrolled in this required clinical course by the Office of Clinical and Pro Bono Programs.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: October 30, 2020, for winter-spring clinical students, and November 25, 2020, for spring clinical students.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Child Advocacy Clinic:&nbsp; Child Welfare, Education & Juvenile Justice is designed to educate students about a range of social change strategies and to encourage critical thinking about the pros and cons of different approaches. It addresses a variety of substantive areas impacting the lives of children, with a focus on child welfare (abuse and neglect, foster care, and adoption), education, and juvenile justice. The Clinic is relevant not only for students with a particular interest in children's issues, but also for those more generally interested in social change.

This course is open only to students who have not taken the Child Advocacy Clinic: System-Involved Youth (held in the fall semester).&nbsp;

All clinic students participate in both the classroom seminar and a clinical fieldwork component. The clinic offers two fieldwork options: (1) winter-spring and (2) spring.

During the seminar, students bring into the classroom their varied fieldwork experiences, presenting on both specific projects and cases in which they are engaged, and also their placement organizations larger vision for improving conditions for children with unmet education needs and/or those children involved in the child welfare and juvenile justice systems. Students reflect on each others experiences, consider which strategies in the field are working and why, and evaluate the benefits and limitations of different approaches. Students will learn about and thoughtfully consider the unique legal issues affecting this population of youth through reflections, readings and class discussions.

Regular classroom attendance and active participation in discussion is required. Grading will be based on a combination of each students clinical fieldwork, seminar presentation and related packet, contributions to class discussion throughout the term, and written assignments.

Once enrolled in the Clinic, the Child Advocacy Program (CAP) will provide students with a list of fieldwork placement sites and their potential projects. Students will give CAP information about their background and interests and rank their placement preferences. CAP will then match students with a placement based on their preferences, the organizations' needs, and CAPs mission to provide students with a broad spectrum of experiences. Visit the Child Advocacy Clinic website&nbsp;for more about the Clinic, including answers to frequently asked questions.

This course is part of the Child Advocacy Program (CAP), whose other courses are: Child Advocacy Clinic:&nbsp; System-Involved Youth (fall semester); Art of Social Change: Child Welfare, Education & Juvenile Justice; Child, Family, and State (alternating years); Family Law (alternating years); and the Future of the Family seminar. Enrollment in all CAP courses is encouraged but not required.

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# Harvard Law School Course Catalog

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## Child Advocacy: System-Involved Youth Clinical Seminar

**Course #:** 2275      **Term:** 2020FA      **Faculty:** Hazen, Crisanne      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Child Advocacy Clinic: System-Involved Youth (4-5 fall clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: June 30, 2020.  
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.  
Child Advocacy Clinic: System-Involved Youth is designed to educate students about a range of issues faced by children and youth involved in the child welfare and juvenile justice systems. With a specific focus on adolescents and young adults, this course will address issues such as transitioning out of the foster care system, sexual exploitation, LGBTQ youth, and the rights of youth in the juvenile justice system.  
This course is open only to students who have not taken Child Advocacy Clinic: Child Welfare, Education & Juvenile Justice (held in the winter-spring or spring-only semesters).  
All clinic students participate in both the classroom seminar and a clinical fieldwork component during the fall semester.  
During the seminar, students bring into the classroom their varied fieldwork experiences, presenting on both specific projects and cases in which they are engaged, and also their placement organizations larger vision for improving conditions for children involved in the child welfare and juvenile justice systems. Students reflect on each others experiences, consider which strategies in the field are working and why, and evaluate the benefits and limitations of different approaches. Students will learn about and thoughtfully consider the unique legal issues affecting this population of youth through reflections, readings and class discussions.  
Once enrolled in the Clinic, the Child Advocacy Program (CAP) will provide students with a list of fieldwork placement sites and their potential projects. Students will give CAP information about their background and interests and rank their placement preferences. CAP will then match students with a placement based on their preferences, the organizations’ needs, and CAPs mission to provide students with a broad spectrum of experiences. Visit the CAP Clinic webpage for more information about the Clinic, including answers to frequently asked questions.  
This course is part of the Child Advocacy Program (CAP), whose other courses are: Child Advocacy Clinic: Child Welfare, Education & Juvenile Justice (winter-spring or spring semesters); Art of Social Change: Child Welfare, Education & Juvenile Justice; Child, Family, and State (alternating years); Family Law (alternating years); and the Future of the Family seminar. Enrollment in all CAP courses is encouraged but not required.

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## Child, Family and State

**Course #:** 2023      **Term:** 2021SP      **Faculty:** Bartholet, Elizabeth      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 3:20 PM - 4:50 PM

Wed 3:20 PM - 4:50 PM

**Course Description:** Prerequisites: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course will look at law and policy governing child rights and interests in the context of child welfare, education, and juvenile justice. We will consider how our society shapes the meaning of childhood, and how adequately it supports families and children. We will assess the potential of programs designed to address the needs of particularly fragile families, such as early home visitation. We will look at how law divides responsibility for children between parents and the state, and how it balances parent as compared to child rights.

In the child welfare area we will explore issues involving child abuse and neglect, family preservation policies, foster care, and adoption (domestic and international). In the education area we will consider how homeschooling fits with broader educational policy. In the juvenile justice area, we will consider how key Supreme Court cases have evolved to recognize child rights, including in the elimination of the death penalty and mandatory life without parole.

Throughout we will think about how we might change law and policy to create a better world for children and families.

Text is Abrams, Mangold & Ramsey, CHILDREN AND THE LAW (7th ed. 2020)

Supplemental text is Bartholet, NOBODY'S CHILDREN (1999)

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# Harvard Law School Course Catalog

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## China and Hong Kong under the "One Country, Two Systems" Principle

**Course #:** 2702      **Term:** 2020FA      **Faculty:** Lau, Ming Wai      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This Reading Group will study what the "One Country, Two Systems" principle means twenty-two years after Hong Kongs handover back to Mainland China. After gaining an understanding of this unique constitutional principle, students will explore the various accomplishments and challenges that Mainland China and Hong Kong have experienced in the legal, economic, political, and cultural realms. Reading materials will include constitutional documents, statutes and cases, academic and business articles, and various media publications.

Note: This reading group will meet on the following dates: September 29, 30 and October 6, 7, 20, and 21.

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## Christian Legal Perspectives

**Course #:** 2701      **Term:** 2020FA      **Faculty:** Okediji, Ruth      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: None

Exam Type: No Exam

This seminar will explore the role of faith and Biblical Christianity in shaping contemporary legal approaches to a variety of subjects including the regulation of technology (mainly Artificial Intelligence),&nbsp;criminal justice, feminist studies, race relations and human rights. Students are expected to read materials from cross-disciplinary and theological perspectives.&nbsp;

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## City Use of Technology

**Course #:** 2813      **Term:** 2021SP      **Faculty:** Crawford, Susan      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 10:20 AM - 11:50 AM

Mon 10:20 AM - 11:50 AM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
This course surveys the efforts of city officials around the world as they use technology to solve challenging problems and act to both keep pace with technological innovations and safeguard the public interest. This survey course is designed to equip students with an overview of tools they will need to grapple with urban and civic challenges post-graduation. Students will examine and report on ongoing civic projects.

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## Civil Procedure 1

**Course #:** 1000      **Term:** 2020FA      **Faculty:** Rubenstein, William      **Credits:** 4.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 10:20 AM - 11:40 AM

Thu 10:20 AM - 11:40 AM

Fri 10:20 AM - 11:40 AM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This is a course about the processes that courts follow in deciding disputes in noncriminal cases. It deals with the way in which conflicts are framed for courts, the stages through which litigation pass, the division of power among the various decision-makers in the legal system and between the state and federal courts, the territorial limitations on the exercise of judicial power, the principles that define the consequences of a decision once a court has finished with a case, and the special opportunities and problems of litigation involving multiple disputants. Throughout the course, considerable attention will be devoted to the goals, values, costs, and tensions underlying our adversarial system of adjudication.

Textbook(s):

REQUIRED (1) Friedenthal, Miller, Sexton & Hershkoff, CIVIL PROCEDURE: CASES AND MATERIALS (12th ed. 2018) (ISBN 978-1634605847) - West Academic Publishing (2) 2020-2021 CIVIL PROCEDURE SUPPLEMENT (ISBN 978-1684679706) - West Academic Publishing (this new edition is due out on July 13th) (3) Gerald Stern, BUFFALO CREEK DISASTER (2d Vintage ed. 2008 (ISBN 978-0307388490

OPTIONAL (4) Joseph Glannon: CIVIL PROCEDURE EXAMPLES AND EXPLANATIONS (8th ED. 2018) (ISBN: 9781454894025)&nbsp;

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## Civil Procedure 2

**Course #: 1000**

Term: 2020FA

**Faculty:** Greiner, D. James

**Credits:** 4.00

**Type:** 1course

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

### Location

Mon 12:00 PM - 2:00 PM

Tue 12:00 PM - 2:00 PM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course covers what should, should not, and does happen when someone files (or considers filing) a civil lawsuit.

## Civil Procedure 3

**Course #: 1000**

Term: 2020FA

**Faculty:** Clark, Bradford

**Credits:** 4.00

**Type:** 1course

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

### Location

Wed 10:20 AM - 11:40 AM

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

### Course Description:

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course covers what should, should not, and does happen when someone files (or considers filing) a civil lawsuit.

Textbook(s):      
Friedenthal, Miller, Sexton, and Hershkoffs Civil Procedure: Cases and Materials, 12th (2018) (isbn  9781634605847), and the 2020-21 Supplement (2020) (isbn  9781684679706).



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## Civil Procedure 4

**Course #:** 1000      **Term:** 2020FA      **Faculty:** Cohen, I. Glenn      **Credits:** 4.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 10:00 AM - 11:20 AM

Thu 10:00 AM - 11:20 AM

Mon 10:00 AM - 11:20 AM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course examines the theory and practice of civil litigation, and the rules and statutes that govern the process by which substantive rights and duties are enforced in federal and state courts (with a focus on the federal courts).Topics include the proper reach of judicial authority, personal and subject matter jurisdiction, pleading, motions practice, joinder of parties and claims, pretrial discovery, the relationship of procedure to substantive law, the Erie doctrine, post-trial procedure and claim and issue preclusion.

Textbook(s):  
Jack H. Friedenthal et al., Civil Procedure (12th ed. 2018)  
Publisher: West Academic  
ISBN 9781634605847  
(available in both hardback and e-book formats)  
Joseph W. Glannon, Civil Procedure (8th ed. 2018) (Examples and Explanations Series)  
Publisher: Wolters Kluwer  
ISBN 9781454894025

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## Civil Procedure 5

**Course #:** 1000      **Term:** 2020FA      **Faculty:** Rubenstein, William      **Credits:** 4.00  
**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:20 PM - 2:40 PM

Thu 1:20 PM - 2:40 PM

Fri 1:20 PM - 2:40 PM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This is a course about the processes that courts follow in deciding disputes in noncriminal cases. It deals with the way in which conflicts are framed for courts, the stages through which litigation pass, the division of power among the various decision-makers in the legal system and between the state and federal courts, the territorial limitations on the exercise of judicial power, the principles that define the consequences of a decision once a court has finished with a case, and the special opportunities and problems of litigation involving multiple disputants. Throughout the course, considerable attention will be devoted to the goals, values, costs, and tensions underlying our adversarial system of adjudication.

Textbook(s):

REQUIRED (1) Friedenthal, Miller, Sexton & Hershkoff, CIVIL PROCEDURE: CASES AND MATERIALS (12th ed. 2018) (ISBN 978-1634605847) - West Academic Publishing (2) 2020-2021 CIVIL PROCEDURE SUPPLEMENT (ISBN 978-1684679706) - West Academic Publishing (this new edition is due out on July 13th) (3) Gerald Stern, BUFFALO CREEK DISASTER (2d Vintage ed. 2008 (ISBN 978-0307388490  
OPTIONAL (4) Joseph Glannon: CIVIL PROCEDURE EXAMPLES AND EXPLANATIONS (8th ED. 2018) (ISBN: 9781454894025)&nbsp;

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## Harvard Law School Course Catalog

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### Civil Procedure 6

**Course #:** 1000      **Term:** 2020FA      **Faculty:** Rave, Theodore      **Credits:** 4.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:40 AM - 12:00 PM

Tue 10:40 AM - 12:00 PM

Wed 10:40 AM - 12:00 PM

#### Course Description:

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course examines the process of civil litigation. We will consider the jurisdiction of the courts, key the stages of a case, the role of various actors in the civil justice system, the interplay between state and federal courts, and the binding effect of a courts judgment. Constitutional and statutory constraints on the goals, structure, and conduct of litigation will also be considered, with additional emphasis on the Federal Rules of Civil Procedure.

Textbook(s):

Hazard, Fletcher, Bundy, and Bradts Pleading and Procedure, Cases and Materials, 12th (Should be available by end of July)

ISBN 9781647083304

Any supplement that includes the Federal Rules of Civil Procedure (the bookstore will stock Spencer's Federal Civil Rules Supplement, ISBN 1684672252)

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### Civil Procedure 7

**Course #:** 1000      **Term:** 2020FA      **Faculty:** Greiner, D. James      **Credits:** 4.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 10:00 AM - 12:00 PM

Fri 10:00 AM - 12:00 PM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course covers what should, should not, and does happen when someone files (or considers filing) a civil lawsuit.

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# Harvard Law School Course Catalog

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## Civil Rights Litigation

**Course #:** 2651      **Term:** 2021SP      **Faculty:** Michelman, Scott      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 5:00 PM - 6:30 PM

Thu 3:15 PM - 4:45 PM

**Course Description:** Prerequisite: Civil Procedure

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

In developing rules for the enforcement of constitutional and statutory civil rights through civil actions, the Supreme Court has attempted to balance the need to enforce the Constitution and civil rights laws with countervailing interests such as state sovereignty, separation of powers, and the goal of protecting officers from being deterred from the performance of their duties. With that balancing act as backdrop, this course will trace the evolution of the legal tools available to civil rights plaintiffs and the legal obstacles they must overcome to obtain relief, including immunities, justiciability, and limitations on the enforceability of statutory rights. We will analyze the applicable legal principles both in terms of their theoretical and policy underpinnings and their practical effects, in order to provide students considering careers involving civil rights litigation with a solid foundation in civil rights enforcement doctrines and to consider broadly how procedural rules can dictate substantive outcomes and how gaps develop between rights and remedies.

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## Class Actions: Litigating Advanced Topics

**Course #:** 2024      **Term:** 2020FA      **Faculty:** Clary, Richard      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Prerequisite: Civil Procedure

Exam Type: No Exam

This course will focus on current topics in federal class action litigation through an experiential lens. In addition to readings and classroom discussion, students will be asked to draft a client legal/strategy memo, two briefs (one on the plaintiff side, one on the defense side), and a judicial opinion over the course of the semester. This course will cover class actions through the various stages of litigation, from initiation and initial motion practice (federal jurisdiction, selecting plaintiffs, standing, class standing, mootness, etc.), to class certification standards, procedures and opt outs, to class settlements, objectors&nbsp;and fee awards, class action tolling, and management of repetitive class actions.

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# Harvard Law School Course Catalog

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## Classical Liberalism and the Rule of Law

**Course #:** 3042      **Term:** 2021SP      **Faculty:** Kethledge, Raymond M.      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Legal & Political Theory; Legal History

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Thu 9:30 AM - 11:30 AM

Fri 9:30 AM - 11:30 AM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
Students will be expected to complete two short papers in response to course readings, and a longer paper at the end of the course  
This course will examine the indispensable role of the Rule of Law in free societies. We will first explore the the nature of free societies as described by classical liberal theory, notably in the writings of Friedrich Hayek. We will also briefly contrast free societies with collectivist ones, which rule by commands. We will then identify the essential elements of the Rule of Law as understood by classical liberal theory. Other topics will include the development of the Rule of Law in 17th and 18th century England; the extent to which our Constitution embodies the classical liberal understanding of the Rule of Law; the extent to which Supreme Court doctrine advances or impedes the Rule of Law; and the profound tension between the Rule of Law and the modern administrative state.  
Note: This course will meet over six weeks. The tentative dates are: 1/28, 1/29, 2/4, 2/5, 2/18, 2/19, 2/25, 2/26, 3/11, 3/12, 3/25, 3/26

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# Harvard Law School Course Catalog

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## Coloring Politics, Racing Law: America's Ongoing Struggle with Changing Conceptions of Race

**Course #:** 2484      **Term:** 2020FA      **Faculty:** Robinson, Stephanie      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 2:30 PM

Tue 1:00 PM - 2:30 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This course examines key intersections of race, politics, and law within a historical trajectory of evolving conceptions and associated realities of racial identity in American society. Though race has ever been a loaded and controversial construct in our American journey, its current and increasingly-fluid representation is well removed from its dualistic color-line depiction at the turn of the 20th century. This course analyzes these changing representations over time and their associated legal and political manifestations while accounting for the events and ideologies driving this transformation. Accordingly, such relevant factors as the formation of American racial identity, the struggle for racial equality, the impact of traditional civil rights movements, ongoing disparities in criminal justice, changing demographics, evolving issues of race and marriage, anti-immigrant sentiment, relevant economic and political turmoil, and sympathy for the loss of whiteness in traditional national identity will be discussed.

Note: This course is not available for cross-registration.

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## Commercial Law: Secured Transactions

**Course #:** 2026

**Term:** 2020FA

**Faculty:** Kaufman, Andrew

**Credits:** 3.00

**Type:** Elective

**Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 1:10 PM - 2:40 PM

Tue 1:10 PM - 2:40 PM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

Grades will be based principally on the final exam, but also, to some extent, on class participation or assigned classroom exercises.

Secured credit - in the form of bank lending, mortgages, and asset securitizations - has fueled the American economy. The details and the consequences of secured credit have been a major preoccupation of everyone dealing with the economy. This course deals primarily with understanding what secured credit is all about - the various aspects of the use of credit and collateral in sale and loan transactions, ranging from routine consumer purchases to complex business transactions. This is a course about commercial lawyering. It is a problem-based exploration of commercial deal-making that considers statutory interpretation and policy in meeting the needs, and reconciling the interests, of the various parties to secured transactions - consumers, manufacturers, dealers, lenders, insurers, and the government. The focus is on developing legal strategies appropriate to specific situations.

Textbook(s):

LoPucki, Warren, and Lawless, Commercial Transactions: A Systems Approach, Ninth Edition

Series: Aspen Casebook

Hardcover: 1392pages

Publisher: Wolters Kluwer; 9th edition

Language: English

ISBN-13: 9781543804492

Warren, Bankruptcy and Article 9 Statutory Supplement (latest VisiLaw or regular version)

Series: Supplements

Paperback: 560 pages

Publisher: Wolters Kluwer; Supplement edition (June 13, 2020)

Language: English

ISBN-10: 1543820484

ISBN-13: 978-1543820485

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# Harvard Law School Course Catalog

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## Common Law and Privacy Torts

**Course #:** 3056      **Term:** 2021SP      **Faculty:** Takhshid, Zahra      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Legal & Political Theory; Legal History  
**Delivery Mode:** Reading Group  
**Days and Times:**      **Location**  
Thu 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: Torts or permission of the instructor.

Exam Type: No Exam

Protecting privacy has become one of the major challenges of our time. In the U.S., legal discussions about a right to privacy began by Samuel D. Warren & Justice Louis D. Brandeis’s Harvard Law Review article in 1890 that argued for a right to be let alone. Since then, many courts have tackled allegations of invasion of privacy by relying on that underlying concept and the four common law privacy torts categorized by Dean William Prosser. The four torts were also recognized in the American Law Institute’s Restatement (Second) of Torts. The common law privacy torts have also played a significant role in the design of privacy policies of Big Tech companies such as Facebook and Google. In many circumstances, these torts have been helpful guidelines. But they have also, at times, fallen short of adequately redressing alleged injuries. Today, whether trying to file a successful invasion of privacy lawsuit or thinking about designing a privacy policy for a client’s app, having a solid knowledge of privacy torts is the crucial starting point. This course aims to introduce students to the U.S. common law privacy torts through studying case law and related literature. It will provide an opportunity to further discuss and debate their evolution and shortcomings. The course also encourages students to think about the future of privacy, related legislative initiatives, and the role of tort law in redressing novel injuries.

Note: This reading group will meet on the following dates: 1/28, 2/4, 2/11, 2/18, 2/25, 3/4

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# Harvard Law School Course Catalog

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## Communication, Law and Social Justice

**Course #:** 2844      **Term:** 2020FA      **Faculty:** Jenkins, Alan      **Credits:** 4.00  
**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Disciplinary Perspectives & Law; Family, Gender & Children's Law; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 9:30 AM - 11:30 AM  
Fri 9:30 AM - 11:30 AM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course will introduce students to the role that written, oral, and multi-media communications play in the development of American law and policy, with a focus on social issues and movements. Using as case studies movements for racial equity, criminal justice reform, immigrant rights, gender equity, and economic opportunity, we will explore how change agents on multiple sides have used strategic framing and messaging, communications campaigns, and art and culture to influence - and in some instances transform - relevant law and policy. We will also examine how communication principles apply to U.S. Supreme Court advocacy. And we will study the ethical rules and parameters that regulate attorneys communications regarding pending litigation and broader legal advocacy. Class participation and successful completion of written and oral assignments will count for a significant portion of students final grade. Assigned material will include cases, legislation, legal scholarship, social science literature, and mass media works.

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# Harvard Law School Course Catalog

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## Comparative Constitutional Law

**Course #:** 2028

**Term:** 2020FA

**Faculty:** Jackson, Vicki

**Credits:** 4.00

**Type:** Elective

**Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD international/comparative requirement.

Prerequisites: None; U.S. constitutional law helpful but not required.

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

The course will cover a series of topics arising in the comparative study of constitutional systems. Concentrating on constitutional structure and law in the United States and in such other countries as Australia, Canada, Colombia, France, Germany, Great Britain, India, Israel, Japan, Sri Lanka and South Africa, it will examine selected problems of both constitutional design and constitutional adjudication. We will, for example, take up the varying foundations and structures of judicial review of the constitutionality of laws (e.g., how are courts that engage in constitutional review structured, how are their judges appointed, what is the source of their authority to engage in constitutional review), in light of recent controversies. We will also likely consider various constitutional approaches to addressing emergencies and emergency powers, as well as constitutional law regulating the availability of abortion in selected jurisdictions (including the United States, Germany, Canada, Colombia, and Ireland). The course will consider the meanings of terms like constitution and constitutionalism, liberal and authoritarian, as well as the purposes and nature of legal comparison. Other likely topics include (1) relationships between "popular" branches of government and courts, including under constitutions that permit legislative override of constitutional limits, (2) constitutional transitions, including from democratic constitutionalism to more abusive or authoritarian forms of constitutionalism, (3) different forms of constitutional federalism, (4) approaches to protecting minority groups (for example, federalism, affirmative action for racial/ethnic/linguistic minorities, or group-based rights), (5) gender equality; (6) freedom of religion, (7) freedom of speech and the role of knowledge institutions (e.g. free press, universities, civic NGOs), and (8) positive social welfare rights.

Two overarching questions will be explored through these topics. First, we will be trying to improve our capacities to think systematically about constitutions, different structures for organizing governments and establishing just and efficacious governments, and about the role of constitutional law, and courts. How can governments be structured to provide both flexibility to respond to future needs and appropriate degrees of ongoing stability? How can law and government structures help organize or manage responses to the tensions between majoritarian democracy and basic human rights? Between the needs and demands of competing minorities? To do so, we will focus on a set of basic questions about constitutions, and constitutionalism: Why have constitutions? What is the relationship between a written constitution and constitutionalism? Can there be constitutionalism without a constitution? Does constitutionalism necessarily entail precommitment through entrenched law? Does constitutionalism necessarily require commitment to specific substantive norms? Does constitutionalism require some degree of at least minimally effective governance?

Second, we will also critically examine the nature of comparative study. Can one draw conclusions for one country based on comparing constitutional experiences in others? Or is the possibility of drawing lessons from one polity to another always limited by the particularities of context and culture within which

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constitutions are formed and constitutional decisionmaking proceeds? Does comparative constitutional study suggest that elements thought necessary for constitutional governance may be falsely thought necessary, in light of experience elsewhere? Or does it illuminate how difficult it is to distinguish "false necessities" from "true necessities," to the extent that a constitutional system's parts are integrally interrelated with others and bound up with a specific constitutional and political culture? Controversies over the U.S. Supreme Court's references to foreign law (for example, in death penalty cases) raise important questions: can courts (or other domestic constitutional decision-makers) really benefit from the constitutional experiences of other countries? Is it legitimate for them to do so?

Textbook(s):&nbsp; ISBN: 9781599415949 Author(s): Vicki C. Jackson & Mark V. Tushnet Title: Comparative Constitutional Law Edition: Third Ed. Publisher: Foundation Press Status: Required

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## Comparative Corporate Governance and Finance

**Course #:** 2029      **Term:** 2021SP      **Faculty:** Roe, Mark      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 9:30 AM - 11:30 AM

Fri 9:30 AM - 11:30 AM

**Course Description:** Prerequisite: Corporations, as pre-requisite or co-requisite, or sufficient background with permission of the instructor.

Exam Type: No Exam

In this course we will investigate topics in corporate governance, often from a comparative perspective, using concepts from general corporate analysis and often with a legal policy perspective. The topics that we will examine are likely to include the legal foundations for large public firms, the reasons for differing corporate structures around the world, private equity, hedge fund activism, and the differing goals around the world for corporate governance and corporate law.

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## Comparative Digital Privacy (S01)

**Course #:** 2615

**Term:** 2021SP

**Faculty:** Gasser, Urs

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment;  
International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:**

Prerequisites: None

Exam Type: No Exam

Digital privacy has become a major issue for Internet users, technology companies, online businesses, researchers, and policy-makers around the world, as more and more personal information is collected, aggregated, shared, and used across a wide variety of contexts. Policy-makers on both sides of the Atlantic—and globally—have been responsive to data scandals and breaches and growing concerns expressed by users, consumer organizations, activists, and academics, and have proposed an important series of new laws, regulations, and other privacy-enhancing instruments at the international and national level. At the same time, the approaches aimed at regulating the respective information practices on the Internet and in the digital environment more broadly—targeting social networking sites, online advertising, data aggregators, IoT providers, AI companies, and the like—as well as the details of the proposed privacy norms are highly controversial.

In this interactive seminar, we will identify, map, analyze, and discuss the latest developments in privacy law related to the digital environment from a comparative perspective and put them into a broader context. Specifically, in the first part of the seminar, we will introduce competing theories and models of online privacy and map current policy proposals as well as regulatory action onto such a matrix. In addition to discussing theoretical frameworks and analyzing current developments in digital privacy, we will also take a closer look into qualitative and quantitative studies regarding privacy attitudes and practices online, and ask how such findings from research have shaped—or should shape—both the theoretical frameworks as well as the actual application of law. In the second part, the seminar examines in greater detail potential solutions to the concerns and harms that are presented in the first section. In our analysis, we will survey and critique both legal and non-legal solutions. We will hope to answer questions like: which institutions are the most capable of enforcing user privacy? And how can we design our technologies so that privacy values are embedded into the construction of our technological tools? In asking these questions, we will create a valuable matrix and taxonomy for recommending solutions to potential privacy harms. Finally, in the third section, we will look at contemporary developments and trends in privacy law. For instance, we will take a closer look at the General Data Protection Regulation in Europe and the Californian Consumer Privacy Act in the US, in addition to recently introduced bills and proposals. Throughout the seminar, privacy-relevant incidents and developments will be discussed real-time as they unfold.

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## Comparative Digital Privacy (S02)

**Course #:** 2615      **Term:** 2021SP      **Faculty:** Gasser, Urs      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment;  
International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 8:00 AM - 10:00 AM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
Digital privacy has become a major issue for Internet users, technology companies, online businesses, researchers, and policy-makers around the world, as more and more personal information is collected, aggregated, shared, and used across a wide variety of contexts. Policy-makers on both sides of the Atlantic—and globally—have been responsive to data scandals and breaches and growing concerns expressed by users, consumer organizations, activists, and academics, and have proposed an important series of new laws, regulations, and other privacy-enhancing instruments at the international and national level. At the same time, the approaches aimed at regulating the respective information practices on the Internet and in the digital environment more broadly—targeting social networking sites, online advertising, data aggregators, IoT providers, AI companies, and the like—as well as the details of the proposed privacy norms are highly controversial.  
In this interactive seminar, we will identify, map, analyze, and discuss the latest developments in privacy law related to the digital environment from a comparative perspective and put them into a broader context. Specifically, in the first part of the seminar, we will introduce competing theories and models of online privacy and map current policy proposals as well as regulatory action onto such a matrix. In addition to discussing theoretical frameworks and analyzing current developments in digital privacy, we will also take a closer look into qualitative and quantitative studies regarding privacy attitudes and practices online, and ask how such findings from research have shaped—or should shape—both the theoretical frameworks as well as the actual application of law. In the second part, the seminar examines in greater detail potential solutions to the concerns and harms that are presented in the first section. In our analysis, we will survey and critique both legal and non-legal solutions. We will hope to answer questions like: which institutions are the most capable of enforcing user privacy? And how can we design our technologies so that privacy values are embedded into the construction of our technological tools? In asking these questions, we will create a valuable matrix and taxonomy for recommending solutions to potential privacy harms. Finally, in the third section, we will look at contemporary developments and trends in privacy law. For instance, we will take a closer look at the General Data Protection Regulation in Europe and the Californian Consumer Privacy Act in the US, in addition to recently introduced bills and proposals. Throughout the seminar, privacy-relevant incidents and developments will be discussed real-time as they unfold.&nbsp;

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## Comparative Law: Ancient Law

**Course #:** 2472

**Term:** 2021SP

**Faculty:** Lanni, Adriaan

**Credits:** 3.00

**Type:** Elective

**Subject Areas:** International, Comparative & Foreign Law; Legal History

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 1:00 PM - 2:30 PM

Thu 1:00 PM - 2:30 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD international/comparative requirement.

Prerequisites: None

Exam Type: Please refer to the Spring 2021 Exam Schedule

The focus of the class will be on comparing various ancient and modern approaches to problems faced by all legal systems. Topics covered include ancient approaches to crime and punishment, the regulation of sexuality, the trial jury, court procedure, international law, and commercial law. The main focus will be on the legal systems of classical Athens and Rome. We will also look to other ancient legal systems where relevant to a particular topic. Prior knowledge of ancient history or ancient languages is not required; the course is designed to be of interest to those without a background in the ancient world. Grades will be based on 2 short response papers, a 1-hour in class exam, and class participation.

Students can register for an additional independent writing credit and write a research paper in lieu of the response papers to use toward the law school writing requirement. Students looking to satisfy the law school writing requirement who do not want to write a research paper may write 2 additional short response papers (4 total) to satisfy half of Option 2 ("substantial course writing" of the writing requirement).

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## Complex Federal Investigations

**Course #:** 2286      **Term:** 2020FA      **Faculty:** Gleeson, John      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This course will examine many of the problems and issues that arise during federal criminal investigations of complex entities -- including both organized crime groups and legal corporations. Topics include the legal and practical investigative powers of the federal grand jury; the investigative use of legal tools such as immunity, contempt and perjury statutes; electronic surveillance methods including "bugs," "wiretaps" and more recent technology; the use of plea- and cooperation-bargaining agreements to advance investigations; the role of professional responsibility rules, including those governing investigative contacts with persons represented by counsel; and the various ways such investigations can intrude upon the attorney-client relationship (including through attorney subpoenas and disqualification). We will also discuss specific types of complex investigations including the use of the RICO Act in organized crime investigations; the leveraging of the attorney-client privilege in investigations of legal corporations; and the unique challenges of national security and transnational investigations.

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Complex Litigation: Legal Doctrines, Real World Practice

Course #: 2366      Term: 2021SP      Faculty: Clary, Richard      Credits: 2.00

Type: Elective      Subject Areas: Procedure & Practice

Delivery Mode: Course

Days and Times:      Location

Thu 9:30 AM - 11:30 AM

Course Description: Prerequisites: Civil Procedure or faculty permission to waive the prerequisite is required.

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course will study legal doctrines, litigation strategies (viewed from both plaintiff and defendant perspectives) and current "best practices" relating to complex litigation. Topics will include forum selection strategies (state versus federal court); removal from and remand to state court (including substantive bases and procedural rules); transfer, coordination and consolidation of federal actions; multi-district litigation, including choice of law in transferred cases; management of parallel federal/state proceedings and protection of MDL proceedings&nbsp;(including the All Writs Act and the Anti-Injunction Act); and practical issues relating to managing both MDL and multi-case litigation, such as coordination orders, counsel structure,&nbsp;and bellwether trials.&nbsp;

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## Computer Science for Lawyers (CS50 for Lawyers)

**Course #:** 2260      **Term:** 2021WI      **Faculty:** Malan, David      **Credits:** 3.00  
**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 4:30 PM  
Tue 1:00 PM - 4:30 PM  
Wed 1:00 PM - 4:30 PM  
Thu 1:00 PM - 4:30 PM  
Fri 1:00 PM - 4:30 PM

**Course Description:** Prerequisites: None. This course is designed for students with and without prior programming experience.

Exam Type: No Exam

This course is a variant of Harvard Colleges introduction to computer science, CS50, designed especially for law students. Whereas CS50 itself takes a bottom-up approach, emphasizing mastery of low-level concepts and implementation details thereof, this course takes a top-down approach, emphasizing mastery of high-level concepts and design decisions related thereto. Ultimately, it equips students with a deeper understanding of the legal implications of technological decisions made by clients.

Through a mix of technical instruction and discussion, this course empowers students to be informed contributors to technology-driven conversations. In addition, it prepares students to formulate technology-informed legal arguments and opinions. Along the way, it equips students with hands-on experience with Python and SQL, languages via which they can mine data for answers themselves, as well as HTML, CSS, and JavaScript, languages with which web and, increasingly, mobile applications are built.

Topics include algorithms, artificial intelligence, cloud computing, databases, networking, privacy, programming, scalability, security, and more, with a particular emphasis on understanding how the work developers do and the technological solutions they employ can impact clients. Students emerge from this course with first-hand appreciation of how it all works and all the more confident in the factors that should guide their decision-making.

For more information, please see the course website available [here](#).

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## Conflict of Laws

**Course #:** 2033

**Term:** 2021SP

**Faculty:** Singer, Joseph

**Credits:** 4.00

**Type:** Elective

**Subject Areas:** Family, Gender & Children's Law; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Course Description:**

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Prerequisites: Open to upper-level JD students. For LLM students: this upper-level course assumes that students have prior knowledge of the basic principles of American law of contracts, torts, property, and procedure (including personal jurisdiction law), as well as knowledge of common law reasoning and argument. LLM students may take this course only if they took a course at Harvard Law School in contracts, torts, or property law in the fall semester of 2020.

Exam Type: No Exam

The grade will be based on papers and moot court oral exercises.

This course examines how courts choose which law should be applied to transactions, relationships, or occurrences having contacts with more than one state in the United States, or with a state in the United States and a foreign nation. The course will also touch on adjudicatory jurisdiction, recognition of foreign judgments, and tribal sovereignty of American Indian nations. We will address the various approaches adopted by states and/or advocated by scholars, focusing on cases involving torts, contracts, property, family law, procedure, and tribal sovereignty. Roughly one-half of the class days will be devoted to a series of moot court exercises. Students will present oral arguments and act as judges, both asking questions and meeting in conference to decide the cases. Students will be required to write short, two-page single-spaced memoranda on six of the problem cases over the course of the semester, as well as a 5-page single-spaced proposed opinion on one of the moot court cases at the end of the semester.

Note: This course will satisfy half of Option 2 of the written work requirement or count as an experiential learning course.

Textbook(s): Joseph William Singer, Choice of Law: Patterns, Arguments, Practices (Carolina Academic Press, 2020) (ISBN 978-1-5310-1652-4) <https://cap-press.com/books/isbn/9781531016524/Choice-of-Law>

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## Constitutional Law 1

**Course #:** 1024      **Term:** 2021SP      **Faculty:** Fallon, Richard      **Credits:** 4.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:20 AM - 11:45 AM

Tue 10:20 AM - 11:45 AM

Wed 10:20 AM - 11:45 AM

**Course Description:** Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course provides an introduction to the structure of the U.S. Constitution and the rights and liberties it defines. Topics include judicial review, federalism, separation of powers, and equal protection and due process of law under the Fourteenth Amendment of the U.S. Constitution. Extensive coverage is devoted to individual rights under the Fourteenth Amendment.

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## Constitutional Law 2

**Course #:** 1024      **Term:** 2021SP      **Faculty:** Feldman, Noah      **Credits:** 4.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 9:30 AM - 11:30 AM

Fri 9:30 AM - 11:30 AM

**Course Description:** Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course provides an introduction to the structure of the U.S. Constitution and the rights and liberties it defines. Topics include judicial review, federalism, separation of powers, and equal protection and due process of law under the Fourteenth Amendment of the U.S. Constitution. Extensive coverage is devoted to individual rights under the Fourteenth Amendment.

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Constitutional Law 3

Course #: 1024      Term: 2021SP      Faculty: Bowie, Nikolas      Credits: 4.00

Type: 1lcourse      Subject Areas: Kethledge, Raymond M.

Delivery Mode: Course

Days and Times:      Location

Mon 10:40 AM - 12:00 PM

Tue 10:40 AM - 12:00 PM

Wed 10:40 AM - 12:00 PM

Course Description: Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course provides an introduction to the structure of the U.S. Constitution and the rights and liberties it defines. Topics include judicial review, federalism, separation of powers, and equal protection and due process of law under the Fourteenth Amendment of the U.S. Constitution.

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## Constitutional Law 4

**Course #:** 1024      **Term:** 2021SP      **Faculty:** Eidelson, Benjamin      **Credits:** 4.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

**Course Description:** Exam Type: Please refer to the Spring 2021 Exam Schedule

This course provides an introduction to the structure of the U.S. Constitution and the rights and liberties it defines. Topics include judicial review, federalism, separation of powers, and equal protection and due process of law under the Fourteenth Amendment of the U.S. Constitution. Extensive coverage is devoted to individual rights under the Fourteenth Amendment.

Textbook&#40;s&#41;&#58;

Feldman and Sullivan&#39;s Constitutional Law&#44; 20th edition &#40;West Academic 2019&#41;  
ISBN&#58; 9781683287872

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## Constitutional Law 5

**Course #:** 1024      **Term:** 2021SP      **Faculty:** Jackson, Vicki      **Credits:** 4.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Course Description:** Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course provides an introduction to the U.S. Constitution -- the government structures it establishes and contemplates, and the rights and liberties it recognizes and protects. Structural topics include the original design of the federal government and the role of slavery in that design; judicial review; federalism and the Supremacy Clause; and separation of powers. The Civil War Amendments (Thirteen, Fourteen and Fifteen) will be considered. The Fourteenth Amendments provisions for equal protection and due process of law provide the basis for many individual rights, including those relating to racial equality, gender equality, family life, and aspects of personal autonomy, that will be studied. Other topics may be considered as well.

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## Constitutional Law 6

**Course #:** 1024      **Term:** 2021SP      **Faculty:** Goldberg, John      **Credits:** 4.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

**Course Description:** Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course provides an introduction to the structure of the U.S. Constitution and the rights and liberties it defines. Topics include judicial review, federalism, separation of powers, and equal protection and due process of law under the Fourteenth Amendment of the U.S. Constitution. Extensive coverage is devoted to individual rights under the Fourteenth Amendment.

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## Constitutional Law 7

**Course #:** 1024      **Term:** 2021SP      **Faculty:** Minow, Martha      **Credits:** 4.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 9:30 AM - 11:30 AM

Fri 9:30 AM - 11:30 AM

**Course Description:** Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course provides an introduction to the structure of the U.S. Constitution and the rights and liberties it defines. Topics include judicial review, federalism, separation of powers, and equal protection and due process of law under the Fourteenth Amendment of the U.S. Constitution. Extensive coverage is devoted to individual rights under the Fourteenth Amendment.

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## Constitutional Law: First Amendment

**Course #:** 2035      **Term:** 2021SP      **Faculty:** Field, Martha      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

**Course Description:** Prerequisites: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course is one of two basic courses in Constitutional Law. We will study the Freedom of Speech in many different contexts; Freedom of Association; Free Exercise of Religion; and the Establishment of Religion.

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## Constitutional Law: First Amendment

**Course #:** 2035      **Term:** 2021SP      **Faculty:** Feldman, Noah      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: None. Students who have previously taken Religion and the First Amendment may not take this course.

Exam Type: Please refer to the Spring 2021 Exam Schedule

This course is one of the two basic courses in the field: it focuses on the First Amendment and deals with the Freedom of Speech, the Free Exercise of Religion, and the Establishment Clause. The course will be taught largely through lectures, with some discussion and time for Q&A exchanges in each class. Students should be aware before enrolling in the course that the use of laptops, iPhones, Blackberries, and other similar devices will not be permitted during class.

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## Constitutional Law: First Amendment

**Course #:** 2035      **Term:** 2020FA      **Faculty:** Weinrib, Laura      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Course Description:** Prerequisite: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course explores the constitutional law of freedom of expression, association, and religion under the First Amendment. Topics for discussion include advocacy of unlawful conduct, defamation, commercial speech, obscenity and pornography, offensive speech, expressive association, the regulation of campaign finance, and the free exercise and establishment of religion.

Textbook(s): The First Amendment, Sixth Edition Geoffrey R. Stone, Louis M. Seidman, Cass R. Sunstein, Mark V. Tushnet, Pamela S. Karlan ISBN: 9781543807806

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## Constitutional Law: First Amendment

**Course #:** 2035

**Term:** 2021SP

**Faculty:** Fried, Charles

**Credits:** 4.00

**Type:** Multisection

**Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 12:55 PM - 3:00 PM

Tue 12:55 PM - 3:00 PM

**Course Description:** Prerequisites: This course draws on a background of US history and constitutional history. Students who are unsure of their preparedness are encouraged to check with the instructor before enrolling. In addition, JD students who have taken other courses covering some of this material should seek permission before enrolling.

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course deals primarily with the First Amendment speech and religion clauses. These will be related to the press, assembly and petitioning clauses. The relation of First Amendment doctrine to campaign finance, lobbying and commercial regulation will be considered. The course will be taught through lectures and discussion, including cold calling.

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## Constitutional Law: Money and the Making of American Capitalism

**Course #:** 2452      **Term:** 2020FA      **Faculty:** Desan, Christine      **Credits:** 3.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Constitutional Law & Civil Rights

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 10:00 AM - 11:30 AM  
Fri 10:00 AM - 11:30 AM

**Course Description:** Prerequisite: None

Exam: Please refer to the Fall 2020 Tentative Exam Schedule

According to one of the framers, the “soul of the Constitution” was the clause allocating authority over money. Over the following centuries, money has remained at the center of debates over governance, including federalism and national power, American approaches to economic development and social welfare, the scope of judicial review, economically structured race discrimination, the ascendance of banks, and access to credit. This 3-credit course picks up an essential line of constitutional debate and determination in order to understand the shape of American capitalism. Topics include sovereign debt, the contracts clause, the banked architecture of money, Reconstruction finance and the failure of agrarian populism, the Gold Clause cases, the authority of the Federal Reserve, financialization and inequality.

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## Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment

**Course #:** 2036

**Term:** 2021SP

**Faculty:** Klarman, Michael

**Credits:** 4.00

**Type:** Multisection

**Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

**Course Description:** Prerequisites: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course is one of the two basic courses in the field. It focuses on the structure of the United States government, including the doctrines of separation of powers and federalism. The course also involves an in-depth study of the Fourteenth Amendments Equal Protection and Due Process Clauses. There are two things about this course that you should know in advance-which might distinguish it from other courses on the same topic. First, I teach mostly by lecture; though student participation is encouraged, this is not a conventional Socratic class. Second, while I do cover the conventional constitutional law doctrine, this class also emphasizes historical context, different normative theories of constitutional interpretation, and political science-type questions such as the consequences of the Courts rulings. Those with an interest mainly in conventional legal doctrine might be well advised to look elsewhere.

Note: This course is not available for rising 2Ls due to substantial overlap with the 1L Constitutional Law course.

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## Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment

**Course #:** 2036      **Term:** 2020FA      **Faculty:** Fried, Charles      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: None  
JD students who have taken other courses covering some of this material should seek permission before enrolling.

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

The course considers the structural provisions of the Constitution, but also the individual rights and liberties implicated by the due process and equal protection clauses of the Fourteenth Amendment. First Amendment liberties and constitutional criminal procedure are addressed in other courses.

The course will be taught through lectures and discussion, including cold calling.

Note: This course is not available for rising 2Ls due to substantial overlap with the 1L Constitutional Law course.

Textbook(s): Constitutional Law, 20th Edition By Noah R. Feldman & Kathleen M. Sullivan ISBN: 9781683287872 CasebookPlus ISBN: 9781684672158

In addition to the textbook, students should also obtain&nbsp;the 2020 supplement for the book.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment

**Course #:** 2036

**Term:** 2020FA

**Faculty:** Parker, Richard

**Credits:** 4.00

**Type:** Multisection

**Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 1:20 PM - 2:40 PM

Thu 1:20 PM - 2:40 PM

Fri 1:20 PM - 2:40 PM

**Course Description:** Prerequisite: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This is one of the basic courses in American Constitutional Law. It focuses primarily on Equal Protection and Due Process -- and secondarily on Federalism and Separation of Powers. Because constitutional law is always [at least potentially] in motion, this class will feature its development through time, animated and structured by momentous shifts in its political and social contexts as well as by ideological tensions deep within the law itself. We'll analyze the ebb and flow of doctrine and argument, concentrating on the modern period beginning with Brown v. Board of Education.

All of that will prepare us to speculate about possible developments that lie ahead now. We'll finish by addressing the contemporary challenge posed by populist uprisings, and the supposed crisis of constitutional democracy, in the West.

The overall aim of the class will be to enable you not only to understand constitutional law, but to make effective constitutional argument and to better understand law in general, especially in its relation to emotion, imagination and politics.

In class, there will be no mandatory participation. But occasionally I'll call on students, along with encouraging volunteers, in order to ensure discussions that are truly open to all points of view.

Note: This course is not available for rising 2Ls due to substantial overlap with the 1L Constitutional Law course.

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# Harvard Law School Course Catalog

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## Consumer Financial Market Regulation

**Course #:** 3016      **Term:** 2021SP      **Faculty:** Silberman, David      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Government Structure & Function; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

Consumers use bank accounts, debit and credit cards, check cashing services and payment apps to receive, store, spend and save money. They use credit products, from mortgages and student loans to payday and pawn loans, to finance large expenses and cover cash shortfalls. These products and services play a central role in the everyday lives of most Americans and can be especially challenging for those struggling to make ends meet. Further, the markets for consumer financial products - which include over \$14 trillion in consumer loans and \$6 trillion in consumer deposits - are large drivers of the broader economy. Indeed, it was the collapse of the residential mortgage market that led to the financial crisis and the Great Recession.

Over the past 50 years, Congress has enacted a myriad of statutes regulating consumer finance. In the Dodd-Frank Act of 2010, Congress consolidated the authority for implementing and enforcing those statutes in a new agency, the Consumer Financial Protection Bureau, with a broad mandate and substantial discretionary authority. But what are the limits of that authority, and when, how, and to what extent should it be used to regulate these markets?

This course will introduce students to a set of real-world legal and policy questions that have arisen during the Bureau’s first decade, including questions relating to the regulation of mortgages, the credit reporting industry, credit cards, student loans, payday loans and overdraft services. In lieu of a textbook, there will be readings for each unit which will provide students with a grounding in the underlying product, the governing legal framework, and relevant research findings. Students will evaluate the legal and policy justifications for regulation and develop, advocate for, and critique alternative regulatory solutions. In so doing, students will hone their skills as advocates and regulatory attorneys within a framework involving the intersection of law and policy.

The instructor served as the head of the Division of Research, Markets and Regulations at the CFPB during the Bureau’s first nine years and as Acting Deputy Director of the Bureau for two of those years.

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# Harvard Law School Course Catalog

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## Contemporary Developing Countries: Entrepreneurial Solutions to Intractable Social and Economic Problems

**Course #:** 2543      **Term:** 2020FA      **Faculty:** Khanna, Tarun      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 3:00 PM - 4:15 PM

Wed 3:00 PM - 4:15 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

What problems do developing countries face, and how can individuals contribute to solutions rather than awaiting the largesse of the state or other actors? Intractable problems - such as lack of access to education and healthcare, forced reliance on contaminated food, deep-seated corruption - are part of the quotidian existence of the vast majority of five of the world’s seven billion people. Developing societies suffer from what we refer to as institutional voids’ that make organized activities of all sorts difficult; think of the mundane but important physical infrastructure that allows us to get to work or school in the developed world, as well as our access to higher-order institutions such as the availability of information at our fingertips or the security of the rule of law. The course demonstrates that reflecting upon the nature of the developing world’s intractable problems through different lenses helps characterize candidate interventions to address them. The scientist’s hypothesis-driven and iterative experimentation, the artist’s imagined counterfactuals through putting oneself in others’ shoes literally and theatrically, and the planner’s top-down articulation of boundary conditions, all tailor the ultimate solution.

Note: This course is jointly listed with the following schools: Harvard Faculty of Arts and Sciences (FAS) as GENED 1011, Harvard Kennedy School (HKS) as DEV-338, Harvard Graduate School of Design (GSD) as SES 5375, and Harvard Law School (HLS) as 2543. This course follows the FAS academic calendar and will meet on the FAS campus.

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# Harvard Law School Course Catalog

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## Contemporary Dilemmas in Dispute Resolution

**Course #:** 2376      **Term:** 2020FA      **Faculty:** Budish, Sara      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory; Procedure & Practice

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Fri 1:00 PM - 3:00 PM

**Course Description:** Prerequisite: This reading group is open to any student who has completed the Negotiation Workshop.

Exam Type: No Exam

This reading group will explore situations and applications that challenge core principles in mediation, negotiation, and dispute systems design work. When placed in certain contexts, bedrock ideals in many interest-based and party-centered models of dispute resolution - impartiality, joint contribution, validity of multiple perspectives - may begin to seem less benign. What is the responsibility (if any) of the conflict management "neutral" to have and apply a particular view of justice and morality? How can practitioners account for power imbalances between parties without re-entrenching them? How do we make sense of (and fully accept) principles that, when applied in certain ways, could lead to results that are deeply discomfiting at a moral or ethical level? Examples that may be explored include the use of restorative justice in certain criminal contexts; setting up an equivalency between two perspectives, one of which is morally unacceptable; and other recent contexts.

Note: The reading group will meet on the following dates: 9/18, 9/25, 10/2, 10/9, 10/16, and 10/23.

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# Harvard Law School Course Catalog

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## Contemporary Issues in Constitutional Law

**Course #:** 2897      **Term:** 2020FA      **Faculty:** Liu, Goodwin      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 8:00 PM

Tue 5:00 PM - 8:00 PM

Wed 5:00 PM - 8:00 PM

Thu 5:00 PM - 8:00 PM

**Course Description:** Prerequisites: For JD students, Constitutional Law: Separation of Powers, Constitutional Law: First Amendment, or Separation of Powers. For LLM students, enrollment is by permission of the instructor.  
Exam Type: No Exam  
This is an advanced constitutional law seminar for students who have already taken the introductory Constitutional Law course. The seminar will provide an opportunity for in-depth discussion of competing theories of constitutional interpretation, the role of the Supreme Court in our political system, and analysis of the judicial process. Each week, these themes will be examined through the lens of a current "hot topic" in constitutional law - for example, partisan gerrymandering, free speech, the limits of executive power, electronic surveillance, voting rights, campaign finance, immigration, same-sex marriage, and other topics. This is not a "spectator" class; all students will be expected to participate actively in class discussion each week. This is a good seminar for students interested in clerking or pursuing academia.  
Note: This seminar will take place over two weeks only on the following dates: Oct 19-22 and Oct 26-29.

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## Contesting Media in the Modern Era

**Course #:** 2612      **Term:** 2021SP      **Faculty:** Robinson, Stephanie      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None  
  
Exam Type: No Exam

This seminar examines mass media depictions and imaging in our increasingly-tumultuous modern era. It situates this loaded imaging process within an appropriate social and historical context while considering how the quest to maintain a normalized national identity competes with evolving notions of race, culture and gender. Such imaging - commonly a dual process involving contestation between a groups projected image and one being projected upon them - will be discussed through literature, journalism and visual media. It further considers such relevant and compelling issues as immigration, citizenship, diversity, propaganda and the ultimate role of journalism/news media.

Note: This course is not available for cross-registration.

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# Harvard Law School Course Catalog

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## Contextual Constitutionalism: The View From Race

**Course #:** 2217      **Term:** 2021SP      **Faculty:** Lessig, Lawrence      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 9:30 AM - 11:30 AM

Fri 9:30 AM - 11:30 AM

**Course Description:** Prerequisites: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule  
If class size permits, class participation will be considered in grading.

This is a class about constitutional interpretation, seen from the perspective of race. The core focus is the Civil War and Reconstruction, including the 13th, 14th, and 15th Amendments. But as well as those amendments, we will cover the presumptions about equality leading into the war, and then the life of the Reconstruction Amendments through much of the 20th Century. Throughout, the objective of the class is to understand how evolving cultural views drive or inhibit constitutional meaning.

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## Contracts 1

**Course #:** 1001      **Term:** 2020FA      **Faculty:** Okediji, Ruth      **Credits:** 4.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:10 PM - 3:10 PM

Tue 1:10 PM - 3:10 PM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course will provide a comprehensive study of the law that governs enforceable promises. It begins with a study of the sources of contract law and the concept of mutual assent as a basis for contractual obligations. Topics include consideration and other contract formalities, contract interpretation, parole evidence rule, implied terms, justifications for non-performance and remedies.

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Contracts 2

Course #: 1001      Term: 2020FA      Faculty: Kennedy, Randall      Credits: 4.00

Type: 1lcourse      Subject Areas: Not Applicable

Delivery Mode: Course

Days and Times:      Location

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

Course Description: Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This is a course that will offer to students legal cultural literacy in common law contracts.

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# Harvard Law School Course Catalog

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## Contracts 3

**Course #:** 1001      **Term:** 2020FA      **Faculty:** Lessig, Lawrence      **Credits:** 4.00  
**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 2:00 PM - 3:20 PM

Tue 2:00 PM - 3:20 PM

Wed 2:00 PM - 3:20 PM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

Contract law is the study of legally enforceable promises, normally exchanged as part of a bargain. Contracts are the main means by which transactions are made and legal obligations are voluntarily incurred. Among the topics that may be covered are: when a contractual promise exists and which are too indefinite; whether consideration should be required and what that means; whether there was offer and acceptance forming a contract; whether and when contracts should be voided because of duress, nondisclosure, a failure to read, unconscionability, or immorality; how to interpret contracts; implied and explicit contractual conditions; the material breach and perfect tender rules; whether performance is excused by mistake of fact, impossibility, impracticability, or frustration of contractual purpose; what remedies to reward and how to measure them; and whether and when damages should be limited because of failure to mitigate, unforeseeability, or use of penalty clauses.

Textbook(s): REQUIRED  
Course pack in pdf on Canvas  
Supplement: Burton and Eisenbergs Contract Law, Selected Source Materials Annotated, 2020 Expanded Edition, ISBN 9781647080761 (print/eBook bundle available at the HLS COOP with your student discount) or ISBN 9781647081638 (eBook only available at westacademic.com).

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## Harvard Law School Course Catalog

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### Contracts 4

**Course #:** 1001      **Term:** 2020FA      **Faculty:** Bar-Gill, Oren      **Credits:** 4.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 12:00 PM - 2:00 PM

Thu 12:00 PM - 2:00 PM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

The body of law concerned with private agreements, including contract formation, interpretation, conditions, excuse of performance, and remedies for breach, is the focus of this course. Attention is given to the Uniform Commercial Code and other relevant statutes as well as to principles of common law and equity.

Textbook(s):

Ayres and Klass, Studies in Contract Law (9th edition).

Burton and Eisenberg, Contract Law: Selected Source Materials Annotated, 2020 edition.

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### Contracts 5

**Course #:** 1001      **Term:** 2020FA      **Faculty:** Elhauge, Einer      **Credits:** 4.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 3:20 PM - 4:40 PM

Tue 3:20 PM - 4:40 PM

Wed 3:20 PM - 4:40 PM

**Course Description:** Exam: Please refer to the Fall 2020 Tentative Exam Schedule

Contract law is the study of legally enforceable promises, normally exchanged as part of a bargain. Contracts are the main means by which transactions are made and legal obligations are voluntarily incurred. Topics covered include: when a contractual promise exists and which are too indefinite; whether consideration should be required and what that means; whether there was offer and acceptance forming a contract; whether and when contracts should be voided because of duress, nondisclosure, a failure to read, unconscionability, or immorality; how to interpret contracts; implied and explicit contractual conditions; the material breach and perfect tender rules; whether performance is excused by mistake of fact, impossibility, impracticability, or frustration of contractual purpose; what remedies to reward and how to measure them; and whether and when damages should be limited because of failure to mitigate, unforeseeability, or use of penalty clauses.

Textbook(s):

(1) a Casebook, Scott & Kraus, Contract Law & Theory (5th ed. 2013);

(2) the Supplement to that casebook, entitled Contract Law & Theory — Selected Provisions: The Restatement of Contracts and Uniform Commercial Code (5th ed. 2013).

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# Harvard Law School Course Catalog

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## Contracts 6

**Course #:** 1001      **Term:** 2020FA      **Faculty:** Bar-Gill, Oren      **Credits:** 4.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 8:00 AM - 10:00 AM

Thu 8:00 AM - 10:00 AM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

The body of law concerned with private agreements, including contract formation, interpretation, conditions, excuse of performance, and remedies for breach, is the focus of this course. Attention is given to the Uniform Commercial Code and other relevant statutes as well as to principles of common law and equity.

Textbook(s):  
Ayres and Klass, Studies in Contract Law (9th edition).  
Burton and Eisenberg, Contract Law: Selected Source Materials Annotated, 2020 edition.

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# Harvard Law School Course Catalog

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## Contracts 7

**Course #:** 1001

**Term:** 2020FA

**Faculty:** Lessig, Lawrence

**Credits:** 4.00

**Type:** 1course

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

Contract law is the study of legally enforceable promises, normally exchanged as part of a bargain. Contracts are the main means by which transactions are made and legal obligations are voluntarily incurred. Among the topics that may be covered are: when a contractual promise exists and which are too indefinite; whether consideration should be required and what that means; whether there was offer and acceptance forming a contract; whether and when contracts should be voided because of duress, nondisclosure, a failure to read, unconscionability, or immorality; how to interpret contracts; implied and explicit contractual conditions; the material breach and perfect tender rules; whether performance is excused by mistake of fact, impossibility, impracticability, or frustration of contractual purpose; what remedies to reward and how to measure them; and whether and when damages should be limited because of failure to mitigate, unforeseeability, or use of penalty clauses.

Textbook(s): REQUIRED

Course pack in pdf on Canvas

Supplement: Burton and Eisenbergs Contract Law, Selected Source Materials Annotated, 2020 Expanded Edition, ISBN 9781647080761 (print/eBook bundle available at the HLS COOP with your student discount) or ISBN 9781647081638 (eBook only available at westacademic.com).

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# Harvard Law School Course Catalog

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## Controlling Shareholders

**Course #:** 2830

**Term:** 2020FA

**Faculty:** Bebchuk, Lucian; Kastiel, Kobi

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: There are no prerequisites for the course. However, it is recommended that students either (a) have taken or are taking concurrently the Corporations course at HLS, (b) have taken some course that considers corporations or business associations at another law school in the US or abroad, or (c) have had prior experience that exposed them to corporate law and governance issues. Students who have questions regarding whether the course would be suitable for them should feel free to contact the instructors.

Exam Type: No Exam

This course will meet for 6 two-hour sessions, which will be concentrated during the first two months of the fall semester. The course will focus on selected issues and policy debates concerning the laws governing companies that have a controlling shareholder. While corporate law courses at HLS often focus on companies with dispersed shareholders, a significant fraction of public companies in the United States, as well as around the world, have a controlling shareholder. Issues that may be considered include the difference between the governance problems of public companies with and without a controlling shareholder, sales of control blocks, corporate freezeouts, executive pay, self-dealing transactions, director independence, and dual-class companies.

The course aims at giving students a good sense of the issues that companies with controlling shareholders raise for courts, lawmakers, lawyers, and researchers. Readings will be primarily from law review articles. There will be no examination. Instead, students will be asked to submit, before sessions, a brief memo on the assigned readings; grades will be based on these memos (primarily) and on participation in class discussion.

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# Harvard Law School Course Catalog

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## Copyright

**Course #:** 2042      **Term:** 2020FA      **Faculty:** Tushnet, Rebecca      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment;  
Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 9:30 AM - 11:30 AM

Fri 9:30 AM - 11:30 AM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course examines the law of copyright and its role within the overall framework of intellectual property law. Topics covered include the subject matter requirements for copyrightability; the rules that govern determination of authorship, the rights that copyright law confers on authors and the limitations and exceptions to those rights; the rules governing indirect liability of intermediaries and liability for circumvention of technological protections; and the scope of copyright preemption.

Textbook(s):

Jeanne C. Fromer & Christopher Jon Sprigman, Copyright Law: Cases and Materials v. 2.0

(<http://copyrightbook.org/> for free download or hard copy via Amazon:

<https://www.amazon.com/dp/B08BFWXQR>).

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# Harvard Law School Course Catalog

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## Copyright

**Course #:** 2042      **Term:** 2021SP      **Faculty:** Fisher, William      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment;  
International, Comparative & Foreign Law; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Spring 2021 Exam Schedule

This course will explore copyright law and policy. Approximately two thirds of the class time and readings will be devoted to the American copyright system; the remainder will be devoted to the major relevant multilateral treaties and to the laws pertaining to copyright and "neighboring rights" in other countries. Substantial attention will be paid to the efforts by philosophers and economists to justify, reform, or abolish the copyright system. Additional information concerning the unusual structure of the course is available at <http://copyx.org/courses/harvard-law-school/>.

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## Copyright and Trademark Litigation

**Course #:** 2043      **Term:** 2020FA      **Faculty:** Cendali, Dale      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

The class will analyze the strategic, practical and policy issues involved with copyright and trademark litigation from the beginning of a case where emergency injunctive relief might be sought, to its potential end at the U.S. Supreme Court. Substantive areas of copyright and trademark law will include fair use, nominative fair use, the likelihood of confusion, use of consumer surveys, dilution, the role of the First Amendment, the theory behind injunctive relief, the nature of irreparable injury, and trademarks as a form of property right. The course will discuss how to persuasively present evidence and try a case. The course will also address the special nature of Supreme Court litigation and techniques for an effective oral argument. Each student will participate in one very brief oral argument during the semester. Real-life cases the instructor has litigated will be used to illustrate points.

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# Harvard Law School Course Catalog

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## Corporate and Capital Markets Law and Policy

**Course #:** 2362      **Term:** 2020FA      **Faculty:** Bebchuk, Lucian; Kastiel, Kobi      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: There are no prerequisites for the course. However, it is recommended that students either (a) have taken (or are taking concurrently) the Corporations course at HLS, (b) have taken some course that considers corporations or business associations at another law school in the US or abroad, or (c) have had prior experience that exposed them to corporate law and governance issues. Students who have questions regarding whether the course would be suitable for them should feel free to contact the instructors.

Exam Type: No Exam

This is a 3-credit course which may also be taken for 2 credits with a one-third reduction in workload. The course will consider a range of policy issues in the law governing corporations, securities, and capital markets. Issues to be considered include the allocation of power between managers and shareholders, takeover bid and proxy contests, hedge fund activism, executive compensation, controlling shareholders, dual-class structures, corporate social responsibility, and securities regulation. A substantial number of sessions will feature outside speakers; such speakers will include prominent practitioners presenting on current policy and practice issues as well as prominent academics presenting on current research. To illustrate, recent speakers in this course have included prominent hedge fund activists, a sitting SEC Commissioner, a leading M&A litigator, and prominent academics.

Readings will mainly be law review articles and discussion papers. Many of the readings will use economic reasoning, and an interest in or tolerance for such reasoning will be helpful. The aim of the course will be to give students a good sense of the issues that have been discussed in the literature or in current debates, and the ways in which policy arguments about such issues can be developed.

The course will not meet on all Wednesdays and Thursdays during the semester. Rather, it will meet for eighteen 2-hour sessions which will all take place during the time slot of the course and will be concentrated in the first two months of the semester. There will be no examination. Instead, students will be asked to submit brief memos in connection with each session. Grades will be based on these memos (primarily) and on participation in class discussion.

Students may opt to take the course for only 2 credits. In this case, they would be required to attend only two-thirds of the sessions of the course after the first two weeks, and to submit only two-thirds of the required number of memos.

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# Harvard Law School Course Catalog

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## Corporate Criminal Investigations

**Course #:** 2263      **Term:** 2021SP      **Faculty:** Kahn, Daniel; Tsao, Leo; Laryea, Lorinda      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Criminal Law and Procedure; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
The criminal investigation and prosecution of corporate misconduct are among the most high profile areas of focus for federal prosecutors and the white-collar defense bar. Recent major prosecutions of corporations and individuals for violations of the Foreign Corrupt Practices Act (FCPA), the Bank Secrecy Act (BSA), and the International Emergency Economic Powers Act (IEEPA) demonstrate that this is an increasing area of enforcement in the United States. Yet, the practice of prosecuting and defending corporations remains one of the least understood areas of criminal law. Decisions on how to charge and sanction corporations are subject to policies set by the U.S. Department of Justice. Moreover, such matters are becoming increasingly complex as foreign law enforcement and regulatory agencies become more active in focusing on these corporate crimes. These multi-jurisdictional investigations pose new obstacles to government enforcers and defense practitioners, and new legal questions for courts to address.

This seminar will explore various aspects of corporate criminal investigations and prosecutions. Topics to be covered include principles of corporate liability; conducting internal and government investigations of corporate misconduct; strategic considerations for prosecutors and defense counsel in corporate criminal investigations; Department of Justice policies on charging, including those designed to incentivize voluntary disclosures, cooperation and remediation; legal and practical issues implicated by multi-jurisdictional cases; corporate compliance programs; and proposals for reform of corporate criminal laws and policies.

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# Harvard Law School Course Catalog

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## Corporate Finance

**Course #:** 2044      **Term:** 2020FA      **Faculty:** Spamann, Holger      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 8:10 AM - 10:10 AM

Tue 8:10 AM - 10:10 AM

**Course Description:** Prerequisites: Students must have taken Analytical Methods, Introduction to Finance Concepts, or a similar introduction to basic present value calculations at HLS or elsewhere.

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

Finance is important to understand the world, your clients, and the law — and not just corporate law and clients. This course will teach financial concepts mostly through hands-on financial exercises, small and big; the only lectures will be pre-recorded videos you can watch at home. There will be few legal materials, and only as illustrations of financial concepts. As compared to a typical business school course, this course will put more emphasis on concepts and less on details of project valuation. There will be plenty of numerical exercises but little math.

The course is divided into three modules of three weeks each: (1) Replicating cash flows and the law of one price; (2) Diversification and market efficiency; (3) Capital structure. Each module concludes with a one-hour take-home exam to be taken anytime between midnight on the day of the last class and 4:30pm on the Friday of that week; there will be no other exam or paper for this course.

Note: This course will meet for the first nine weeks of the Fall 2020 term.

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# Harvard Law School Course Catalog

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## Corporate Finance: Advanced

**Course #:** 2605      **Term:** 2020FA      **Faculty:** Spamann, Holger      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 8:10 AM - 10:10 AM

Tue 8:10 AM - 10:10 AM

**Course Description:** Prerequisites: Students must concurrently enroll in Corporate Finance, or have previously taken the class at HLS or a similar class elsewhere (in this case, faculty permission is required.)

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This class is an extension of the three-credit Corporate Finance class. It covers options, auctions, and market design. These areas are not traditionally covered in corporate finance but of huge practical importance. In particular, lawyers write option contracts and design auctions and markets. As in the three-credit basic class, the emphasis is on concepts not contractual details.

Note: This course will meet during the last three weeks of the Fall 2020 term.

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## Corporate Governance: Corporate Purpose

**Course #:** 3026      **Term:** 2021SP      **Faculty:** Roe, Mark      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: Corporations, as pre-requisite or co-requisite, or sufficient background with permission of the instructor.

Exam Type: No Exam

In this course, we will examine classic writings and current controversies about the purpose of the large corporation.&nbsp;  

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## Corporate Governance: The Short-Termism Problem

**Course #:** 2988      **Term:** 2020FA      **Faculty:** Roe, Mark      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: Corporations, as pre-requisite or co-requisite, or sufficient background with permission of the instructor.  
Exam Type: No Exam  
In this course, students will examine writings on the problem of corporate short-termism, its consequences and sources, and what policy measures are appropriate.

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## Corporate Reorganization

**Course #:** 2047      **Term:** 2021SP      **Faculty:** Bienenstock, Martin      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 8:00 AM - 10:00 AM

Tue 8:00 AM - 10:00 AM

**Course Description:** Prerequisite: None  
  
Exam Type: No Exam  
Grades are determined by 20-page papers on approved topics.

Corporate Reorganization identifies the dominant causes of business failure or distress, and analyzes how (a) corporate governance enhanced by the best business research of the last 20 years can mitigate or avoid failure and (b) chapter 11 resolves failure/distress and impacts out-of-court resolutions. We do this by reference to governance and business research papers, jurisprudence, and articles about failures in the auto, steel, financial, and manufacturing industries, and industries subject to mass tort liability. In formulating resolutions of distressed situations, we apply chapter 11 resolutions as a baseline against which other resolutions are compared. The course is designed to show that optimal restructuring is a multidisciplinary undertaking, even within its legal framework where emphasis is put on governance jurisprudence, bankruptcy jurisprudence, statutory interpretation, the constitutional limits of the bankruptcy power, the bankruptcy courts jurisdiction, and the use of litigation. The additional classes added to render this a two-credit course add a combination of additional reorganization topics and practice skills in many areas. One class is devoted to evaluating settlement agreements students negotiate, from the perspective of what issues the students should have tried to negotiate and how to draft contracts. Other classes are devoted to case strategy, trial strategy, formulating cross examinations, and using constitutional and jurisdictional issues as tactical weapons.

Note: This course will meet for the first six weeks of the spring term.

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# Harvard Law School Course Catalog

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## Corporations

**Course #:** 2048      **Term:** 2020FA      **Faculty:** Spamann, Holger      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 4:00 AM - 6:00 AM

Tue 4:00 AM - 6:00 AM

**Course Description:** Prerequisites: There is no formal prerequisite for the course. Students without a basic familiarity & not necessarily expertise - with rudimentary accounting and finance concepts, including the time value of money, expected value, diversification, and the overall content and purpose of basic financial accounting statements, are encouraged to take Analytical Methods for Lawyers, or equivalent courses, whether at HLS, elsewhere at HU, or online, preferably before the semester you are enrolled in Corporations.

Exam: Please refer to the Fall 2020 Tentative Exam Schedule

In addition to the final exam, there will be several pass/fail quizzes throughout the semester.

This course surveys the legal rules governing corporations with an emphasis on the protection of shareholders in large public corporations against management and controlling shareholders. Topics include asset partitioning, governance (shareholder voting, fiduciary duties, derivative suits, executive compensation), M&A, securities trading, corporate finance, protections of creditors and other constituencies, and choice of law. One quarter of the course will be based on problems drawn from transactional settings. The course emphasizes financial and strategic considerations throughout.

Materials TBD.

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## Corporations

**Course #:** 2048      **Term:** 2021SP      **Faculty:** Hanson, Jon      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:20 PM - 2:40 PM

Thu 1:20 PM - 2:40 PM

Fri 1:20 PM - 2:40 PM

**Course Description:** Prerequisites: None  
  
Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course surveys the role of legal controls on business organizations with emphasis on the control of managers in publicly held corporations. The course begins with an historical view of corporate form followed by a brief review of the law of agency, partnership, and closely held corporations. Topics include basic fiduciary law, shareholder voting, derivative suits, executive compensation, and control transactions. The course takes a critical perspective on corporate law (and its implications for corporate power) throughout.

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## Corporations

**Course #:** 2048      **Term:** 2021SP      **Faculty:** Ramseyer, J. Mark      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: There is no formal prerequisite for the course. Students without a basic familiarity - not necessarily expertise - with rudimentary accounting and finance concepts, including the time value of money, expected value, diversification, and the overall content and purpose of basic financial accounting statements, are encouraged to take Analytical Methods for Lawyers, or equivalent courses, whether at HLS, elsewhere at HU, or online, preferably before the semester you are enrolled in Corporations.

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course surveys the role of legal controls on business organizations. Aspects of the law of agency, partnership, and closely held corporations are reviewed to highlight continuities and discontinuities with the publicly held corporation. Topics include basic fiduciary law, insider trading, shareholder voting, reorganizations, and control transactions. The emphasis throughout is on the functional analysis of legal rules as one set of constraints on corporate behavior among others.

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## Corporations

**Course #:** 2048      **Term:** 2021SP      **Faculty:** Barzuza, Michal      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 8:00 AM - 10:00 AM

Tue 8:00 AM - 10:00 AM

**Course Description:** Prerequisites: None, however, familiarity with financial and economic concepts is encouraged.

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

The course will examine the law that governs corporations, with a focus on the relationship between managers and shareholders in publicly traded firms. Topics covered include voting rights, fiduciary duties, mergers and acquisitions, hedge fund activism, shareholder proposals, proxy advisors, corporate finance and insider trading.

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## Corporations

**Course #:** 2048      **Term:** 2020FA      **Faculty:** Fried, Jesse      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: There is no formal prerequisite for the course. Students without a basic familiarity - not necessarily expertise - with rudimentary accounting and finance concepts, including the time value of money, expected value, diversification, and the overall content and purpose of basic financial accounting statements, are encouraged to take Analytical Methods for Lawyers, or equivalent courses, whether at HLS, elsewhere at HU, or online, preferably before the semester you are enrolled in Corporations.

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course introduces students to the legal rules for protecting creditors and shareholders of a corporation. Simple economic analysis is used to explain the need for, and the limitations of, these rules. Topics include limited liability, veil piercing, equitable subordination, fraudulent conveyances, leveraged buyouts, the duties of care and loyalty, shareholder voting, derivative suits, control transactions, and insider trading.

Note: This course will meet on average of 4 hours per week within the days and times listed above. Exact meeting dates are TBD.

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## Corporations

**Course #:** 2048      **Term:** 2020FA      **Faculty:** Kraakman, Reinier      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 3:20 PM - 4:40 PM

Tue 3:20 PM - 4:40 PM

Wed 3:20 PM - 4:40 PM

**Course Description:** Prerequisites: There is no formal prerequisite for the course. Students without a basic familiarity & not necessarily expertise - with rudimentary accounting and finance concepts, including the time value of money, expected value, diversification, and the overall content and purpose of basic financial accounting statements, are encouraged to take Analytical Methods for Lawyers, or equivalent courses, whether at HLS, elsewhere at HU, or online, preferably before the same semester you are enrolled in Corporations.

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course surveys the role of legal structure and legal controls on business enterprises with an emphasis on Delaware law and the duties of the managers, directors, and controlling shareholders of public corporations. It reviews the law of agency, which is fundamental to all legal entities. It addresses non-corporate business entities to highlight their continuities with-and differences from- business corporations. Corporate topics include limited liability, fiduciary law, shareholder voting, executive compensation, derivative suits, control transactions, mergers and acquisitions, and insider trading. This course also surveys topics in securities law that are closely related to corporate governance: in particular, the SEC’s proxy and tender offer rules and the reach of anti-fraud liability. One theme throughout the course is corporate law’s role in empowering actors with a flexible legal form, another is the law’s role in constraining insider opportunism, and a third is the judiciary’s pivotal role in balancing flexibility against constraint.

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## Corporations

**Course #:** 2048

**Term:** 2020FA

**Faculty:** Ramseyer, J. Mark

**Credits:** 4.00

**Type:** Multisection

**Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Course Description:** Prerequisite: There is no formal prerequisite for the course. Students without a basic familiarity & not necessarily expertise - with rudimentary accounting and finance concepts, including the time value of money, expected value, diversification, and the overall content and purpose of basic financial accounting statements, are encouraged to take Analytical Methods for Lawyers, or equivalent courses, whether at HLS, elsewhere at HU, or online, preferably before the semester you are enrolled in Corporations.

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course surveys the role of legal controls on business organizations. Aspects of the law of agency, partnership, and closely held corporations are reviewed to highlight continuities and discontinuities with the publicly held corporation. Topics include basic fiduciary law, insider trading, shareholder voting, reorganizations, and control transactions. The emphasis throughout is on the functional analysis of legal rules as one set of constraints on corporate behavior among others.

Textbook(s):

Required: Klein, Ramseyer, Bainbridge, Foundation Press, Bus. Assns, 10th ed.

Optional: Ramseyer, Business Organizations, Aspen, 2d edKlein, Coffee & Partnoy, Business Organization and Finance (Foundation) (most recent edition)Bainbridge, Corporate Law (Foundation) (most recent ed)

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## Corporations from a Comparative Perspective

**Course #:** 2714      **Term:** 2020FA      **Faculty:** Kraakman, Reinier      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: Any one of the following: a prior course in corporate law, a parallel corporations course at HLS, or prior experience in matters relating to corporate governance or finance.  
Exam Type: No Exam  
Grading will be based on reaction memos and class participation.  
This course surveys broad issues in corporate governance by highlighting jurisdictional differences and contrasting the corporation with alternative legal entities. Course materials will address issues associated with controlling shareholders and autonomous managers; the identity of dominant owners (e.g., institutional investors, family dynasties, and the state); dominant sources of finance (e.g., banks vs. markets); the public institutions that shape corporate law; the internal governance of business entities (e.g., board structure); and the influence of external actors such as activist shareholders and proxy advisors. An overarching theme in the course lies in identifying connections among particular constellations of issues - for example, the associations between bank financing and state ownership, institutional shareholders and shareholder activism, or specialized courts and fiduciary duties. Class materials will draw from law and finance papers, press reports, and primary legal materials.

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## Corruption and Anticorruption: Selected Topics

**Course #:** 3053      **Term:** 2020FA      **Faculty:** Stephenson, Matthew      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Criminal Law and Procedure; Disciplinary Perspectives & Law; International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Thu 8:00 PM - 10:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This reading group will focus on the problem of corruption, principally public corruption (bribery, embezzlement, etc.) in developing and transition countries, though corruption in wealthy countries will also be considered. The questions to be addressed may include: How can corruption be defined, categorized, and measured? What do we know (and not know) empirically about the corruption’s causes and consequences? What sorts of responses-both legal responses and broader institutional reforms-might help reduce corruption?

Note: This reading group will meet on the following dates: 9/10, 9/24, 10/8, 10/22, 11/5, and 11/19.

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## Corruption and Anticorruption: Selected Topics

**Course #:** 3053      **Term:** 2021SP      **Faculty:** Stephenson, Matthew      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Criminal Law and Procedure; Disciplinary Perspectives & Law; International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Thu 8:00 PM - 10:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This reading group will focus on the problem of corruption, principally public corruption (bribery, embezzlement, etc.) in developing and transition countries, though corruption in wealthy countries will also be considered. The questions to be addressed may include: How can corruption be defined, categorized, and measured? What do we know (and not know) empirically about the corruption’s causes and consequences? What sorts of responses-both legal responses and broader institutional reforms-might help reduce corruption?

Note: This reading group will meet on the following dates: 1/28, 2/11, 2/25, 3/11, 4/1, 4/15.

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## Counseling and Legal Strategy in the Digital Age

**Course #:** 2653      **Term:** 2020FA      **Faculty:** Bavitz, Christopher      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment;  
Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
This course explores the complex challenges that entrepreneurs, businesses, NGOs, and other organizations face when trying to address legal issues relating to technology. The seminars approach is both practical and multidisciplinary, and it encourages students to explore the roles of a wide range of stakeholders (including lawyers, policy advocates and policymakers, businesspersons, and technologists) in developing legal and business strategies. The course draws on a rich set of case studies based on recent legal controversies (including pre-litigation correspondence, pleadings, briefs, and other litigation materials). Students also review, analyze, and critique transactional documents and other legal materials (including contracts and website terms of use and privacy policies), with an eye toward assessing legal and public relations risks and protecting clients interests. Using all of these materials, the course condenses and weaves together experiences that lawyers and clients encounter day-to-day with core doctrinal and theoretical principles of relevant areas of law (including IP, speech, privacy, and the like). The class focuses particularly closely on critical and strategic thinking and analysis, complex legal and practical problem solving and decision-making, and clear and persuasive writing and drafting. At various points throughout the semester, the instructors will bring in outside specialists to enhance students understanding of the interplay between substantive and practical issues.  
Cross-Registration: Cross-registrants are strongly encouraged to apply. We would like to have a diverse mix of backgrounds in our seminar this fall and have reserved seats for graduate students from other schools.

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## Counterterrorism and International Law

**Course #:** 2421      **Term:** 2021SP      **Faculty:** Modirzadeh, Naz      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: Previous courses in Public International Law, International Humanitarian Law/Laws of War, Use of Force, or International Human Rights Law are strongly recommended.  
Exam Type: No Exam  
Do contemporary counterterrorism approaches fit within or frustrate existing international law? This Seminar will explore the relationships between public international law (especially use of force, international humanitarian law/law of armed conflict, and international human rights law) and the growing set of legal obligations, policies, and resources aimed at suppressing and punishing acts of terrorism. We will unpack what assumptions and normative commitments underpin counterterrorism approaches and study how those constitutive elements may be deployed in ways that can constrain or expand possible futures for international law. We will examine how, particularly after September 11, 2001, global approaches to countering terrorism may weaken or strengthen - or disorient or redirect - existing international legal frameworks and multilateral institutions.  
Readings will draw from a variety of primary sources (including terrorism-suppression treaties, United Nations Security Council resolutions, and select municipal legislative and enforcement frameworks) as well as limited secondary literature. The course will focus on real-world interpretive dilemmas, legal challenges to counterterrorism approaches, and related complex decision-making.

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## Creating Electricity in the U.S.: Exploring the Tradeoffs

**Course #:** 2931      **Term:** 2020FA      **Faculty:** Peskoe, Ari      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Environmental Law; Government Structure & Function

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: None  
  
Exam Type: No Exam

In this reading group, we will explore historic and ongoing legal and policy debates about the fuels that power the US electric system. We will begin with efforts by the federal government to construct mega-dams in the first half of the twentieth century and continue to current controversies about rooftop solar. The fuels that generate electricity have implications for economic growth, local environmental quality, and greenhouse gas emissions. To provide context, we will read about the utility industry’s business model, the electric system’s operations, and the pros and cons of various energy sources. We will discuss how the evolution of the electric power industry intersects with debates about the role of government in our economy and question the balance between the benefits of cheap power and the burdens faced by communities across the country that host energy infrastructure.

Note: This reading group will meet on the following dates: 9/15, 9/29, 10/6, 10/20, 10/27, and 11/10.

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## Criminal Justice Appellate Clinic

**Course #:** 8050

**Term:** 2021WI

**Faculty:** Ali, Amir; Rao, Devi

**Credits:** 2.00

**Type:** Clinic

**Subject Areas:** Criminal Law and Procedure; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Required Class Component: Criminal Justice Appellate Clinical Seminar (1 winter clinical credit). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course. Additional Co-/Pre-Requisites: None. By Permission: Yes. Applications are due October 23, 2020. Add/Drop Deadline: November 13, 2020. LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT. Placement Site: Remote work with Washington D.C. office.

This winter-term course is taken concurrently with the Criminal Justice Appellate Clinic. This winter, both the class and clinic will be conducted remotely.

Students will participate in an externship with the Roderick & Solange MacArthur Justice Center (&ldquo;MJC&rdquo;) in Washington, D.C., working on appeals before federal circuit courts and/or the U.S. Supreme Court that raise important issues related to civil rights and the criminal justice system. Students will learn the ins-and-outs of litigating appeals in the field criminal justice, including general appellate strategy and skills, and emerging issues in the criminal justice system. Under the supervision of the director of MJC&rsquo;s D.C. Office, students will have the opportunity to make a substantial contribution to the office&rsquo;s ongoing appellate cases, including performing research and draft legal analysis for briefs that will be filed in federal court. Depending on the particular matters students work on, this may also include participation in client interaction and strategic decision-making, analysis of factual records, and participation in moot oral arguments (depending upon the stage of their assigned appeals). Students may also have the option of continuing the clinic remotely in the spring semester, allowing more substantial involvement in their assigned appeals and increased exposure to appellate litigation. MJC is one of the nation&rsquo;s premier civil rights organizations and champions criminal justice reform through litigation, in areas that include police misconduct, rights of the accused, issues facing indigent prisoners, the death penalty, and the rights of detainees. The organization&rsquo;s Washington, D.C. office focuses specifically on appellate litigation as a vehicle for achieving change in these areas.

Examples of issues raised in MJC appeals include:

Unsettled questions of criminal procedure under the Fourth, Fifth, and Sixth Amendments (search & seizure, privilege against self-incrimination, right to a jury, right to counsel);Issues facing indigent prisoners, including the constitutional rights of prisoners to be free from cruel and unusual treatment by prison officials and access to courts;Constitutional challenges to the use of solitary confinement in the prison system;Fundamental trial rights under the Due Process Clause, including issues unique to capital trials;Challenges to certain discriminatory executive actions outside of the criminal justice system, including discriminatory practices of Immigration and Custom Enforcement and discrimination against Muslim travelers at the border.Students admitted to the clinic will be supervised by Amir H. Ali, founder of MJC&rsquo;s Washington, D.C. office, who serves as the organization&rsquo;s Supreme Court & Appellate Counsel.

Application: Students interested in this clinic should submit a resume, an unedited writing sample, and a statement of interest (less than 300 words) that includes: (i) the student&rsquo;s reason for applying to the clinic, including particular criminal justice issues the student is interested in; (ii) any prior exposure to appellate and/or criminal justice issues; (iii) whether the student would be interested in continuing the clinic during the Spring semester. Applications should be submitted to [clinical@law.harvard.edu](mailto:clinical@law.harvard.edu) by October 23, 2020.

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## Criminal Justice Appellate Clinical Seminar

**Course #:** 2363

**Term:** 2021WI

**Faculty:** Ali, Amir; Rao, Devi

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Criminal Law and Procedure

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Required Clinic Component: Criminal Justice Appellate Clinic (2 winter clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: None. By Permission: Yes. Applications are due October 23, 2020. Add/Drop Deadline: November 13, 2020. LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT. Placement Site: Remote work with the Washington D.C. office.

This winter-term course is taken concurrently with the Criminal Justice Appellate Clinic. This winter, both the class and clinic will be conducted remotely.

Students will participate in an externship with the Roderick & Solange MacArthur Justice Center ("MJC") in Washington, D.C., working on appeals before federal circuit courts and/or the U.S. Supreme Court that raise important issues related to civil rights and the criminal justice system.

Students will learn the ins-and-outs of litigating appeals in the field criminal justice, including general appellate strategy and skills, and emerging issues in the criminal justice system. Under the supervision of the director of MJC's D.C. Office, students will have the opportunity to make a substantial contribution to the office's ongoing appellate cases, including performing research and draft legal analysis for briefs that will be filed in federal court. Depending on the particular matters students work on, this may also include participation in client interaction and strategic decision-making, analysis of factual records, and participation in moot oral arguments (depending upon the stage of their assigned appeals). Students may also have the option of continuing the clinic remotely in the spring semester, allowing more substantial involvement in their assigned appeals and increased exposure to appellate litigation.

MJC is one of the nation's premier civil rights organizations and champions criminal justice reform through litigation, in areas that include police misconduct, rights of the accused, issues facing indigent prisoners, the death penalty, and the rights of detainees. The organization's Washington, D.C. office focuses specifically on appellate litigation as a vehicle for achieving change in these areas.

Examples of issues raised in MJC appeals include:

Unsettled questions of criminal procedure under the Fourth, Fifth, and Sixth Amendments (search & seizure, privilege against self-incrimination, right to a jury, right to counsel);

Issues facing indigent prisoners, including the constitutional rights of prisoners to be free from cruel and unusual treatment by prison officials and access to courts;

Constitutional challenges to the use of solitary confinement in the prison system;

Fundamental trial rights under the Due Process Clause, including issues unique to capital trials;

Challenges to certain discriminatory executive actions outside of the criminal justice system, including discriminatory practices of Immigration and Custom Enforcement and discrimination against Muslim travelers at the border.

Students admitted to the clinic will be supervised by Amir H. Ali, founder of MJC's Washington, D.C. office, who serves as the organization's Supreme Court & Appellate Counsel.

Application: Students interested in this clinic should submit a resume, an unedited writing sample, and a statement of interest (less than 300 words) that includes: (i) the student's reason for applying to the clinic, including particular criminal justice issues the student is interested in; (ii) any prior exposure to appellate and/or criminal justice issues; (iii) whether the student would be interested in continuing the

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clinic during the Spring semester. Applications should be submitted to [clinical@law.harvard.edu](mailto:clinical@law.harvard.edu) by October 23, 2020.

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## Criminal Justice Institute: Criminal Defense Clinic

**Course #:** 8002      **Term:** 2021WS      **Faculty:** Umunna, Dehlia      **Credits:** 6.00

**Type:** Clinic      **Subject Areas:** Criminal Law and Procedure; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Required Class Component: Criminal Justice Institute: Defense Theory and Practice (3 fall classroom credits + 1 winter classroom credit). Once a student enrolls in this clinic, the Office of Clinical and Pro Bono Programs will enroll them in the required course.

Additional Co-/Pre-Requisites: Trial Advocacy Workshop (TAW) and Evidence. Students must enroll in both classes separately from the clinic enrollment. Failure to meet the pre/co-requisites by the clinic's add/drop deadline will result in the student being dropped from this clinic and class.

By Permission: No.

Add/Drop Deadline: August 14, 2020.

LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll.

Multi-Semester: This is a winter-spring clinic (1 winter clinical credit + 5 spring clinical credits).

Placement Site: HLS.

Mandatory Meetings: All students enrolled in the clinic (fall-winter and winter-spring) must attend mandatory orientation sessions: Monday, Sept. 28 (3-5:30pm), Tuesday, Sept. 29 (3-5:30pm), Wednesday, Sept. 30 (3-5:30pm), Thursday, Oct. 1 (3-4:45pm), Friday, Oct. 2 (3-6:30pm).

Students will examine the nature, functions, dynamics, and ethics of such tasks as interviewing, investigation, examination and cross-examination of witnesses, argument, and other aspects of criminal defense advocacy, both in and out of the courtroom. They will also examine the theory and practice of defense advocacy for minors accused of delinquency, focusing on the constitutional framework of the juvenile justice system. Students will study the Massachusetts juvenile courts, examining the history and philosophy of a separate juvenile system, juvenile court jurisdiction, and the impact of various state agencies on the administration of justice in juvenile court. The class component will attempt to develop a variety of operational and ethical frameworks within which students can understand and evaluate their practice experience.

Students can expect to represent clients on criminal and juvenile delinquency cases in the local courts. In the course of representing clients, students may be required to visit correctional institutions, which necessitate a background check. They may also provide representation to minors in school disciplinary hearings or represent adult clients in appellate or other post-conviction legal proceedings. Students will be responsible for providing complete legal representation to their clients during the course of the term and are expected to work a minimum of twenty hours per week at the Criminal Justice Institute under the supervision of a clinical instructor at the Institute. Students will receive one-to-one supervision, individual critique of their courtroom work, and participate in regular group sessions with their supervisor. Classroom reading and discussion will draw upon and complement the students' experiences as defense counsel.

The teaching method will include exercises and discussions on the Code of Professional Responsibility and the Model Rules of Professional Responsibility. Students will become familiar with the Fourth, Fifth, Sixth, and Fourteenth Amendment rights of both adults and juveniles accused of delinquency, as well as the law of evidence and sentencing. There will be a review of essential lawyering skills in criminal practice.

The clinic and class will start the week after Fall TAW, September 28 – October 2, 2020. During this first week of CJI, all students must attend a number of mandatory orientation sessions: Monday, Sept. 28 (3-5:30pm), Tuesday, Sept. 29 (3-5:30pm), Wednesday, Sept. 30 (3-5:30pm), Thursday, Oct. 1 (3-4:45pm), Friday, Oct. 2 (3-6:30pm). Starting this first week and throughout the Fall, class will meet on Tuesdays and Thursdays from 5:00 PM - 7:00 PM. During the winter, class will meet on Wednesdays and

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Thursdays from 1:00 PM - 3:00 PM.&nbsp; There will be a mandatory mini-orientation session on Thursday, January 7, 2021, for students enrolled in the winter-spring clinic; winter-spring clinic students required to attend all orientation sessions scheduled in September and January.

Arraignments for those enrolled in the fall-winter clinic will be held during the month of October. Those enrolled in the winter-spring clinic will be attending arraignments during the month of January. All students must have at least one morning available for court, Monday through Thursday. Juvenile cases are heard only on Mondays, Tuesdays, and Wednesdays.

Students enrolled in the fall-winter clinic will submit a reflection paper in mid-January. Those enrolled in the winter-spring clinic will be submitting their paper the first week of May.

This course satisfies the professional responsibility requirement.

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## Criminal Justice Institute: Criminal Defense Clinic

**Course #:** 8002      **Term:** 2020FW      **Faculty:** Umunna, Dehlia      **Credits:** 5.00

**Type:** Clinic      **Subject Areas:** Criminal Law and Procedure; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Open to 3Ls only  
Required Clinic Component: Criminal Justice Institute: Criminal Defense Clinic, either fall-winter (4 fall clinical credits + 1 winter clinical credit) or winter-spring (1 winter clinical credit + 5 spring clinical credits). Students must enroll in one of the two clinic offerings (fall-winter or winter-spring) before they are permitted to enroll in this required course.  
Additional Co-/Pre-Requisites: Trial Advocacy Workshop (TAW) and Evidence. Students must enroll in both classes separately from the clinic enrollment. Failure to meet the pre/co-requisites by the clinic's add/drop deadline will result in the student being dropped from this clinic and class.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020.  
LLM Students: Due to Massachusetts Court Practice rules, LLM students are not eligible to enroll.  
Multi-Semester: This is a fall-winter course (3 fall classroom credits + 1 winter classroom credit).  
Placement Site: HLS.

Mandatory Meetings: All students enrolled in the clinic (fall-winter and winter-spring) must attend mandatory orientation sessions: Monday, Sept. 28 (3-5:30pm), Tuesday, Sept. 29 (3-5:30pm), Wednesday, Sept. 30 (3-5:30pm), Thursday, Oct. 1 (3-4:45pm), Friday, Oct. 2 (3-6:30pm).

Students will examine the nature, functions, dynamics, and ethics of such tasks as interviewing, investigation, examination and cross-examination of witnesses, argument, and other aspects of criminal defense advocacy, both in and out of the courtroom. They will also examine the theory and practice of defense advocacy for minors accused of delinquency, focusing on the constitutional framework of the juvenile justice system. Students will study the Massachusetts juvenile courts, examining the history and philosophy of a separate juvenile system, juvenile court jurisdiction, and the impact of various state agencies on the administration of justice in juvenile court. The class component will attempt to develop a variety of operational and ethical frameworks within which students can understand and evaluate their practice experience.

Students can expect to represent clients on criminal and juvenile delinquency cases in the local courts. In the course of representing clients, students may be required to visit correctional institutions, which necessitate a background check. They may also provide representation to minors in school disciplinary hearings or represent adult clients in appellate or other post-conviction legal proceedings. Students will be responsible for providing complete legal representation to their clients during the course of the term and are expected to work a minimum of twenty hours per week at the Criminal Justice Institute under the supervision of a clinical instructor at the Institute. Students will receive one-to-one supervision, individual critique of their courtroom work, and participate in regular group sessions with their supervisor. Classroom reading and discussion will draw upon and complement the students' experiences as defense counsel.

The teaching method will include exercises and discussions on the Code of Professional Responsibility and the Model Rules of Professional Responsibility. Students will become familiar with the Fourth, Fifth, Sixth, and Fourteenth Amendment rights of both adults and juveniles accused of delinquency, as well as the law of evidence and sentencing. There will be a review of essential lawyering skills in criminal practice. The clinic and class will start the week after Fall TAW, September 28 – October 2, 2020. During this

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first week of CJL, all students must attend a number of mandatory orientation sessions: Monday, Sept. 28 (3-5:30pm), Tuesday, Sept. 29 (3-5:30pm), Wednesday, Sept. 30 (3-5:30pm), Thursday, Oct. 1 (3-4:45pm), Friday, Oct. 2 (3-6:30pm). Starting this first week and throughout the Fall, class will meet on Tuesdays and Thursdays from 5:00 PM - 7:00 PM.&nbsp; During the winter, class will meet on Wednesdays and Thursdays from 1:00 PM - 3:00 PM.&nbsp; There will be a mandatory mini-orientation session on Thursday, January 7, 2021, for students enrolled in the winter-spring clinic; winter-spring clinic students required to attend all orientation sessions scheduled in September and January.

Arraignments for those enrolled in the fall-winter clinic will be held during the month of October. Those enrolled in the winter-spring clinic will be attending arraignments during the month of January. All students must have at least one morning available for court, Monday through Thursday. Juvenile cases are heard only on Mondays, Tuesdays, and Wednesdays.

Students enrolled in the fall-winter clinic will submit a reflection paper in mid-January. Those enrolled in the winter-spring clinic will be submitting their paper the first week of May.

This course satisfies the professional responsibility requirement.

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## Criminal Justice Institute: Defense Theory and Practice

**Course #:** 2261

**Term:** 2020FW

**Faculty:** Umunna, Dehlia

**Credits:** 4.00

**Type:** Elective

**Subject Areas:** Criminal Law and Procedure; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

Thu 5:00 PM - 7:00 PM

Wed 1:00 PM - 3:35 PM

Thu 1:00 PM - 3:35 PM

**Course Description:**

Students who enroll in this course may count the credits towards the JD professional responsibility requirement.

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Open to 3Ls only Required Clinic Component: Criminal Justice Institute: Criminal Defense Clinic, either fall-winter (4 fall clinical credits + 1 winter clinical credit) or winter-spring (1 winter clinical credit + 5 spring clinical credits). Students in both of the two clinic offerings (fall-winter or winter-spring) are required to enroll in this fall-winter course. Additional Co-/Pre-Requisites: Trial Advocacy Workshop (TAW) and Evidence. Students must enroll in TAW and Evidence separate from their clinical registration. Please Note: Students participating in CJI during the 2020-2021 year (fall-winter and winter-spring students) who have not yet taken TAW must take the fall 2020 TAW. Students cannot take the winter 2021 TAW concurrently with CJI. By Permission: No. Add/Drop Deadline: August 14, 2020.LLM Students: This clinic is not available to LLM students.Multi-Semester: This is a fall-winter course (3 fall classroom credits + 1 winter classroom credit).Mandatory Meetings: All students enrolled in the clinic (fall-winter and winter-spring) must attend mandatory orientation sessions: Monday, Sept. 28 (3-5:30pm), Tuesday, Sept. 29 (3-5:30pm), Wednesday, Sept. 30 (3-5:30pm), Thursday, Oct. 1 (3-4:45pm), Friday, Oct. 2 (3-6:30pm).

Students will examine the nature, functions, dynamics, and ethics of such tasks as interviewing, investigation, examination and cross-examination of witnesses, argument, and other aspects of criminal defense advocacy, both in and out of the courtroom. They will also examine the theory and practice of defense advocacy for minors accused of delinquency, focusing on the constitutional framework of the juvenile justice system. Students will study the Massachusetts juvenile courts, examining the history and philosophy of a separate juvenile system, juvenile court jurisdiction, and the impact of various state agencies on the administration of justice in juvenile court. The class component will attempt to develop a variety of operational and ethical frameworks within which students can understand and evaluate their practice experience.

Students can expect to represent clients on criminal and juvenile delinquency cases in the local courts. In the course of representing clients, students may be required to visit correctional institutions, which necessitate a background check. They may also provide representation to minors in school disciplinary hearings or represent adult clients in appellate or other post-conviction legal proceedings. Students will be responsible for providing complete legal representation to their clients during the course of the term and are expected to work a minimum of twenty hours per week at the Criminal Justice Institute under the supervision of a clinical instructor at the Institute. Students will receive one-to-one supervision, individual critique of their courtroom work, and participate in regular group sessions with their supervisor. Classroom reading and discussion will draw upon and complement the students experiences as defense counsel.

The teaching method will include exercises and discussions on the Code of Professional Responsibility and the Model Rules of Professional Responsibility. Students will become familiar with the Fourth, Fifth, Sixth, and Fourteenth Amendment rights of both adults and juveniles accused of delinquency, as well as the law of evidence and sentencing. There will be a review of essential lawyering skills in criminal practice.

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The clinic and class will start the week after Fall TAW, September 28 – October 2, 2020. During this first week of CJL, all students must attend a number of mandatory orientation sessions: Monday, Sept. 28 (3-5:30pm), Tuesday, Sept. 29 (3-5:30pm), Wednesday, Sept. 30 (3-5:30pm), Thursday, Oct. 1 (3-4:45pm), Friday, Oct. 2 (3-6:30pm). Starting this first week and throughout the Fall, class will meet on Tuesdays and Thursdays from 5:00 PM - 7:00 PM. During the winter, class will meet on Wednesdays and Thursdays from 1:00 PM - 3:00 PM. There will be a mandatory mini-orientation session on Thursday, January 7, 2021, for students enrolled in the winter-spring clinic; winter-spring clinic students required to attend all orientation sessions scheduled in September and January.

Arraignments for those enrolled in the fall-winter clinic will be held during the month of October. Those enrolled in the winter-spring clinic will be attending arraignments during the month of January. All students must have at least one morning available for court, Monday through Thursday. Juvenile cases are heard only on Mondays, Tuesdays, and Wednesdays.

Students enrolled in the fall-winter clinic will submit a reflection paper in mid-January. Those enrolled in the winter-spring clinic will be submitting their paper the first week of May.

This course satisfies the professional responsibility requirement.

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## Criminal Law 1

**Course #:** 1002

**Term:** 2021SP

**Faculty:** Yang, Crystal

**Credits:** 4.00

**Type:** 1course

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 10:00 AM - 12:00 PM

Fri 10:00 AM - 12:00 PM

**Course Description:** Exam Type#58; Please refer to the Spring 2021 Exam Schedule

This course considers the basic themes of substantive criminal law, including criminal responsibility, the significance of act, intent, causation and result, justification and excuse, and the rationales for punishment. General doctrinal principles of the criminal law and illustrative crimes are studied, including attempts, conspiracy, and the law of accomplice liability, defenses such as self-defense and insanity, and aspects of the law of homicide and rape. The course also considers some important issues in the administration of the criminal justice system, with special emphasis on the phenomenon of discretion. The rationales for allowing discretion, the proper scope of discretion, and the practical effects of discretion are examined in the context of particular institutional actors, with focus on prosecutorial charging discretion, the practice of plea bargaining, and current debates about sentencing discretion.

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### Criminal Law 2

**Course #:** 1002      **Term:** 2021SP      **Faculty:** Natapoff, Alexandra      **Credits:** 4.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 10:00 AM - 12:00 PM

Wed 10:00 AM - 12:00 PM

**Course Description:** Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course considers the basic themes and doctrines of substantive criminal law, including criminal responsibility, the significance of act, intent, causation and result, justification and excuse, and the rationales of punishment. We will study illustrative crimes including homicide, rape, and conspiracy. The course also considers constitutional principles of criminal justice as well as the distributional effects of criminal law and enforcement with regard to gender, race, and class. Students will be introduced to basic tools of statutory interpretation.

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### Criminal Law 3

**Course #:** 1002      **Term:** 2020FA      **Faculty:** Kamali, Elizabeth Papp      **Credits:** 4.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 1:10 PM - 3:10 PM

Fri 1:10 PM - 3:10 PM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course considers the basic themes of substantive criminal law, including criminal responsibility, act and intent, causation and result, justification and excuse, and the rationales of punishment. The focus is on general doctrinal principles of the criminal law, usually including the following topics: defenses, insanity, conspiracy, attempts, and aspects of the law of homicide and rape. The course also considers some important issues in the administration of the criminal justice system, such as the scope of discretion. However, the focus is not on criminal procedure, but rather on the criteria according to which culpability and punishment are determined in the contemporary American criminal justice system.

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## Criminal Law 4

**Course #:** 1002      **Term:** 2021SP      **Faculty:** Gersen, Jeannie Suk      **Credits:** 4.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 9:30 AM - 11:30 AM

Fri 9:30 AM - 11:30 AM

**Course Description:** Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course considers the basic themes of substantive criminal law, including criminal responsibility, the significance of act and intent, justification and excuse. General doctrinal principles of criminal law and illustrative crimes including homicide and sexual assault are the focus. The course also considers constitutional principles of criminal justice and provides an introduction to criminal adjudication including prosecutorial and sentencing discretion. Class participation is required.

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## Criminal Law 5

**Course #:** 1002      **Term:** 2021SP      **Faculty:** Kelly, Erin      **Credits:** 4.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:40 AM - 12:00 PM

Tue 10:40 AM - 12:00 PM

Wed 10:40 AM - 12:00 PM

**Course Description:** Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course considers the basic themes of substantive criminal law, including criminal responsibility, the significance of act, intent, causation, and result, justification and excuse, and the rationales for punishment. General doctrinal principles of the criminal law and illustrative crimes are studied, including attempts, conspiracy, and the law of accomplice liability, defenses such as self-defense and insanity, and aspects of the law of homicide and rape. The course also considers some important issues in the administration of criminal justice, with special emphasis on the phenomenon of discretion-as manifested in prosecutorial charging decisions, plea bargaining, and sentencing. The focus is not on criminal procedure in the conventional sense, but rather on understanding the criteria by which culpability and punishment are determined in the contemporary American criminal justice system.

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## Criminal Law 6

**Course #:** 1002      **Term:** 2020FA      **Faculty:** Rabb, Intisar      **Credits:** 4.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 8:10 AM - 10:10 AM

Tue 8:10 AM - 10:10 AM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course considers the basic themes of substantive criminal law, including criminal responsibility; the significance of act, intent, causation, and result; justification and excuse; and the rationale of punishment. It considers these questions in the era of mass incarceration, and how to approach questions it raises about common law, constitutional law and structures, and justice.

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## Criminal Law 7

**Course #:** 1002      **Term:** 2021SP      **Faculty:** Gersen, Jeannie Suk      **Credits:** 4.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

**Course Description:** Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course considers the basic themes of substantive criminal law, including criminal responsibility, the significance of act and intent, justification and excuse. General doctrinal principles of criminal law and illustrative crimes including homicide and sexual assault are the focus. The course also considers constitutional principles of criminal justice and provides an introduction to criminal adjudication including prosecutorial and sentencing discretion. Class participation is required.

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# Harvard Law School Course Catalog

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## Criminal Procedure: Adjudication

**Course #:** 2049      **Term:** 2020FA      **Faculty:** Lanni, Adriaan      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law and Procedure

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

**Course Description:** Prerequisite: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

The subject of this course is the criminal process "from bail to jail." We will address some of the main constitutional and policy issues that arise about the structure of this process, including the right to counsel, the influence of prosecutorial discretion, the institution of plea bargaining, the role of the jury, and the choice of sentencing procedures. We will also address some important issues about the outcomes produced by this process, including the problem of wrongful convictions (innocence) and disparate racial and class impacts.

Textbook(s):

Author: Joshua Dressler, George C. Thomas III, and Daniel S. Medwed  
Title: Criminal Procedure,  
Prosecuting Crime  
ISBN: 9781684671519  
Edition: 7th edition  
Publisher: West Academic

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## Criminal Procedure: Investigations

**Course #:** 2050      **Term:** 2021SP      **Faculty:** Gordon-Reed, Annette      **Credits:** 3.00

**Type:** Multisection      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law and Procedure

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Spring 2021 Exam Schedule

This course will examine the operation of the Fourth, Fifth, and to a lesser extent, the Sixth Amendments to the U.S. Constitution. We will discuss, among other topics, warrants, search and seizure, the exclusionary rule, and the right against self incrimination.

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## Criminal Procedure: Investigations

**Course #:** 2050      **Term:** 2020FA      **Faculty:** Natapoff, Alexandra      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law and Procedure

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course examines the law governing police behavior, primarily by examining the constitutional doctrines of the Fourth, Fifth, and Sixth Amendments that regulate law enforcement action. Topics covered include the right to counsel, search and seizure, stop and frisk, electronic surveillance, probable cause, warrants and their exceptions, police use of force, custodial interrogation, and exclusionary remedies. In addition to doctrinal examination, the course will also ask broader policy questions about the regulation, democratic accountability, and scope of police behavior in the United States today.

Textbook(s):  
Allen et al, Criminal Procedure Investigation and the Right to Counsel (Aspen Casebooks), 4th edition. It is recommended that students purchase the physical version of the textbook rather than the digital version.

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## Criminal Prosecution Clinic

**Course #:** 8003

**Term:** 2021SP

**Faculty:** Corrigan, John

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Criminal Law and Procedure; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Open to 3Ls only

Required Class Component: ITA: Prosecution Perspectives (3 spring classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: Trial Advocacy Workshop (TAW) and Evidence. Students must enroll in TAW and Evidence separate from their clinical registration.

By Permission: No.

Add/Drop Deadline: August 31, 2020.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Placement Site: Various D.A. Offices throughout Massachusetts.

This clinic and course will focus on the role of and decision-making by the prosecutor in the criminal justice system, with particular attention to the exercise of discretion by the prosecutor in investigation, charging, plea negotiation and sentencing recommendation decisions. It will also involve an examination of the lawyering skills involved in case analysis, interviewing witnesses, and negotiation, and other aspects of case handling and courtroom advocacy, in the context of the District Court.

A clinical practice component is required of all students. Students must have at least two full days in their schedule free from 8am to 5pm for the clinical component. Clinical placements are with the Middlesex, Norfolk, Suffolk, or Essex County District Attorneys Office. Under the supervision of assistant district attorneys, students work a minimum of twenty hours per week to represent the Commonwealth in prosecuting District Court criminal cases. While student experiences vary, students are likely to handle arraignments, bail hearings, pretrial conferences, motion hearings, pleas and trials. Some students may handle a jury trial. Clinical placements will begin immediately after the completion of the fall Trial Advocacy Workshop. Readings will consist primarily of multilithed materials. Students are required to keep a journal relating to their fieldwork experiences and to prepare several short practical skills exercises. The classroom component of this clinical course satisfies the Law Schools professional responsibility requirement.

Enrollment is through clinical registration. Please refer to the Office of Clinical and Pro Bono Programs website for clinical registration dates, early add/drop deadlines, and other relevant information.

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## Crimmigration Clinic

**Course #:** 8043      **Term:** 2020FA      **Faculty:** Torrey, Philip      **Credits:** 3.00  
**Type:** Clinic      **Subject Areas:** Criminal Law and Procedure; Human Rights; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Crimmigration: The Intersection of Criminal Law and Immigration Law (2 fall classroom credits). Students who are accepted into this clinic will be enrolled in the required clinical course component by the Office of Clinical and Pro Bono Programs, unless they have already completed the course as a non-clinical student.  
Additional Co-/Pre-Requisites: No.  
By Permission: Yes - applications are due by April 13, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: HLS.  
In the Crimmigration Clinic students work on cutting-edge issues regarding the intersection of criminal law and immigration law. The content of the clinical projects will depend on the legal landscape and political climate at the time of clinical enrollment. &nbsp;In the past, students have worked on administrative and federal litigation in both appellate courts and district courts concerning criminal bars to immigration relief, detention, and the crime-based grounds of removal. Students have also drafted reports concerning the funding of immigration detention in Massachusetts, and engaged in legislative advocacy on issues, including drafting sanctuary policies for municipalities around the country. Clinical students will also work with the Harvard Criminal Justice Institute to provide advice to their case teams about the immigration consequences of criminal charges.  
Clinical work will largely be performed at HLS. On litigation and policy matters, the Clinic will collaborate with local and national non-profit organizations.  
Enrollment in the Crimmigration Clinic is by application only (applications are due to Phil Torrey - ptorrey@law.harvard.edu). Students should include a resume and short statement of interest (250 words or less) in their application. Applications are due by April 13, 2020. Once accepted, students will work with the Office of Clinical and Pro Bono Programs to finalize their registrations.

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## Crimmigration Clinic

**Course #:** 8043      **Term:** 2021SP      **Faculty:** Torrey, Philip      **Credits:** 3.00  
**Type:** Clinic      **Subject Areas:** Criminal Law and Procedure; Human Rights; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Crimmigration: The Intersection of Criminal Law and Immigration Law (2 fall classroom credits). Students who are accepted into this clinic will be enrolled in the required clinical course component by the Office of Clinical and Pro Bono Programs, unless they have already completed the course as a non-clinical student.  
Additional Co-/Pre-Requisites: No.  
By Permission: Yes - applications are due by April 13, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: HLS.  
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Clinical work will largely be performed at HLS. On litigation and policy matters, the Clinic will collaborate with local and national non-profit organizations.  
Enrollment in the Crimmigration Clinic is by application only (applications are due to Phil Torrey - [ptorrey@law.harvard.edu](mailto:ptorrey@law.harvard.edu)). Students should include a resume and short statement of interest (250 words or less) in their application. Applications are due by April 13, 2020. Once accepted, students will work with the Office of Clinical and Pro Bono Programs to finalize their registrations.

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## Crimmigration: The Intersection of Criminal Law and Immigration Law

**Course #:** 2597      **Term:** 2020FA      **Faculty:** Torrey, Philip      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Criminal Law and Procedure; Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 9:30 AM - 11:30 AM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

The intersection of criminal law and immigration law is a growing field of law that is at the forefront of today's immigration debate. As immigration laws have become more "criminalized" and criminal laws have become more "immigrationized" it is increasingly important to understand the intersection of criminal law and immigration law. The goal of this course is to give students the skills to recognize and examine immigration consequences of criminal convictions and to understand how those laws have developed in light of historical trends related to immigration detention, border security, race, poverty, national security, and Fifth Amendment Due Process jurisprudence. Some seats in this course are reserved for students in the Crimmigration Clinic. For more information, please view the clinic's Course Catalog description.

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## Critical Race Theory

**Course #:** 2279      **Term:** 2021SP      **Faculty:** Ahmed, Aziza      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This seminar examines the role of the law and legal activism in perpetuating and alleviating racial inequality in the United States. Several questions animate our readings and discussions. First, how have laws and legal institutions shaped racial identity? Second, how have ideas about race shaped legal institutions? Third, why does racial inequality persist despite social movement organizing and progressive legal transformations? Our readings excavate the various ways scholars and advocates have grappled with these questions. We will consider tensions and debates among race theorists including the dominant school of race theory in law, Critical Race Theory. We will identify the stakes of these debates and the consequences (intended and unintended) of various legal reform projects designed to issues of race.

Note: This seminar will have some overlap with Professor Alan Jenkins Spring 2021 Race and the Law course. Students interested in enrolling in both offerings are asked to consult with Professor Jenkins and Ahmed.

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# Harvard Law School Course Catalog

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## Critical Race Theory

**Course #:** 2279      **Term:** 2020FA      **Faculty:** Mack, Kenneth      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Legal & Political Theory

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: None

Exam Type: No Exam

This reading group will consider one of the newest intellectual currents within American Legal Theory - Critical Race Theory. Emerging during the 1980s, critical race scholars made many controversial claims about law and legal education - among them that race and racial inequality suffused American law and society, that structural racial subordination remained endemic, and that both liberal and critical legal theories marginalized the voices of racial minorities. Course readings will be taken from both classic works of Critical Race Theory and newer interventions in the field, as well as scholarship criticizing or otherwise engaging with Critical Race Theory from outside or at the margins of the field.

Note: This reading group will be held on the following dates: 9/9, 9/23, 10/7, 10/28, 11/18, and 12/2.

Textbook(s):  
Kimberl&eacute; Crenshaw, Neil Gotanda, Gary Peller and Kendall Thomas, eds., Critical Race Theory: Key Writings that Formed the Movement (New York: New Press, 1996)

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# Harvard Law School Course Catalog

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## Critical Theory in Legal Scholarship

**Course #:** 2052      **Term:** 2020FA      **Faculty:** Halley, Janet      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
Class participation will be expected and will be considered in grading. Students may write 5 short response papers or submit substantial writing within their own scholarly endeavors.  
The goal of this seminar will be to help students imagine writing projects of their own which put critical theory from the humanities and from legal studies "to work" in understanding some concrete dimension of the law. Readings will be a selected range of "classics" in literary, social and legal theory, paired with remarkable examples of legal-academic writing strongly engaged with them. Our discussions will aim for mastery of the former and a nuanced understanding of the interventions and methods exemplified by the latter. The target audience of this Seminar is students with ambitions to write legal scholarship - whether LL.M.s writing scholarly papers or 2Ls and 3Ls in the early, middle or late stages of framing an academic project. LL.M.s are encouraged to enroll. SJDs are welcome to audit.  
Textbook(s):  
Søren Kierkegaard, Fear and Trembling, trans. Alastair Hannay (Penguin Classics 1985).  
  
Friedrich Nietzsche, On the Genealogy of Morals: A Polemic, trans. Douglas Smith (Oxford University Press 2009)  
  
Michel Foucault, History of Sexuality: An Introduction, Volume 1, trans. Robert Hurley (Vintage Books, 1990; 1st printing 1978)  
  
David Kennedy and William W. Fisher III, The Canon of American Legal Thought (Princeton 2006)  
  
Wendy Brown & Janet Halley, eds., Left Legalism/Left Critique (Duke U.P. 2002)

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# Harvard Law School Course Catalog

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## Critical Theory in Legal Scholarship

**Course #:** 2052      **Term:** 2020FA      **Faculty:** Halley, Janet      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Fri 7:30 AM - 9:30 AM

**Course Description:** Prerequisites: None

Exam Type: No Exam

Class participation will be expected and will be considered in grading. Students may write 5 short response papers or submit substantial writing within their own scholarly endeavors.

The goal of this seminar will be to help students imagine writing projects of their own which put critical theory from the humanities and from legal studies "to work" in understanding some concrete dimension of the law. Readings will be a selected range of "classics" in literary, social and legal theory, paired with remarkable examples of legal-academic writing strongly engaged with them. Our discussions will aim for mastery of the former and a nuanced understanding of the interventions and methods exemplified by the latter. The target audience of this Seminar is students with ambitions to write legal scholarship - whether LL.M.s writing scholarly papers or 2Ls and 3Ls in the early, middle or late stages of framing an academic project. LL.M.s are encouraged to enroll. SJDs are welcome to audit.

Textbook(s):  
Søren Kierkegaard, Fear and Trembling, trans. Alastair Hannay (Penguin Classics 1985).

Friedrich Nietzsche, On the Genealogy of Morals: A Polemic, trans. Douglas Smith (Oxford University Press 2009)

Michel Foucault, History of Sexuality: An Introduction, Volume 1, trans. Robert Hurley (Vintage Books, 1990; 1st printing 1978)

David Kennedy and William W. Fisher III, The Canon of American Legal Thought (Princeton 2006)

Wendy Brown & Janet Halley, eds., Left Legalism/Left Critique (Duke U.P. 2002)

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# Harvard Law School Course Catalog

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## Cross Border M&A: Drafting, Negotiation & the Auction Process

**Course #:** 2933

**Term:** 2021SP

**Faculty:** Presser, Mitchell

**Credits:** 3.00

**Type:** Elective

**Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 3:15 PM - 6:15 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisite: Corporations. For LLM students with applicable experience or courses, permission of the instructor to waive the requisite is required.

Exam Type: No Exam

In today's economy, transactions are becoming increasingly global in nature, often crossing more than one border and implicating the laws and market practices of more than one jurisdiction. Cross-border transactions present unique challenges from both the seller's and buyer's perspective that require an in-depth understanding and appreciation of the key practical and theoretical issues they present. This course will familiarize students with these types of transactions and the unique challenges they present in order to aid them in their transition into the practice of modern-day corporate counsel.

This semester-long course will be divided into three segments. The first segment will consist of four sessions structured as interactive lectures focused on the fundamentals of cross-border M&A transactions, the unique cultural and state challenges they present, basic finance and the basics of an organized sales process. The second segment will consist of five sessions in which students will participate as parties to a transaction and engage in a simulated auction process for the sale of a business division of an international company with a diverse pool of potential buyers. Student groups will negotiate the material aspects of the transaction and mark-up an auction draft purchase agreement. The third segment will consist of three classes where each of the student teams will be asked to present their final proposals to a simulated board of directors by providing their board with an overview of the final purchase agreement, key terms of the transaction, and an explanation of the risks and benefits associated with the negotiated terms.

This course is designed for students interested in transactional work and those with a desire to understand the real-world implications of today's global economy.

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# Harvard Law School Course Catalog

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## Current Topics in Latino Civil Rights

**Course #:** 2903

**Term:** 2021SP

**Faculty:** Perales, Nina

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: This reading group will be by permission of the instructor. To apply, please send a resume and brief paragraph stating your interest in the course to Crystal Dorman (cdorman@law.harvard.edu) with subject line Current Topics in Latino Civil Rights Reading Group Application by 11:59 pm on Friday, January 15th.

Exam Type: No Exam

In 2019, the number of Latinos reached a record 60.6 million -- 18% of the U.S. population. Latinos constituted more than 50% of all population growth in the U.S. since 2010. Despite rapid population growth, and their new status as the largest racial minority in the U.S., Latinos continue to struggle against racial discrimination and structural barriers in the areas of education, employment and political participation.

The need to combat anti-Latino discrimination in a context of fast-changing demographics, both within and outside the U.S. Latino community, poses an urgent challenge for lawyers whose main tools are civil rights statutes and legal precedent that often are more than 50 years old.

This reading group will explore present-day legal cases challenging racial discrimination against U.S. Latinos and the success (or lack of success) of that litigation. We will discuss theories and strategies available to challenge discrimination as well as the continued utility of the established framework of civil rights statutes and precedent. Readings will include a range of texts (judicial opinions, scholarly writing, and popular commentary) to explore these topics.

Each student will be required to write a brief single "response paper" during the semester addressing the assigned readings for that particular week and setting out some questions for general class discussion.

Note: This reading group will meet on the following dates: 2/2, 2/16, 3/2, 3/23, 4/6, 4/20.

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# Harvard Law School Course Catalog

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## Current Topics in Pandemic Law

**Course #:** 3060      **Term:** 2021SP      **Faculty:** Zubrzycki, Carly      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Health Law; Legal & Political Theory; Legal History

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None  
  
Exam Type: No Exam

COVID-19 has given rise to an unprecedented and rapidly evolving set of urgent legal issues. This reading group will explore both foundational and current materials on a selection of especially pressing issues in American pandemic law and policy. Each week we will focus on a different substantive topic; readings will include a mixture of pre-COVID-19 materials and materials on current events of the moment. Cross-cutting themes will include weighing the tradeoffs between efficacy in pandemic suppression and other values; individual vs. collective rights; and equity and justice issues. Half of the last session will be set aside to discuss options for reform and what legal changes could improve the response to COVID-19 and prevent similar catastrophes should future pandemics arise.

The reading group will meet for six two-hour sessions, and participation will be graded credit/fail.

Note: This reading group will meet on the following dates: 2/4, 2/18, 3/4, 3/25, 4/8, and 4/22.

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# Harvard Law School Course Catalog

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## Cyberlaw Clinic

**Course #:** 8004      **Term:** 2020FA      **Faculty:** Bavitz, Christopher      **Credits:** 5.00  
**Type:** Clinic      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment;  
Procedure & Practice

**Delivery Mode:** Clinic  
**Days and Times:**

**Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Cyberlaw Clinical Seminar (2 fall classroom credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: HLS.  
The Cyberlaw Clinic, based at Harvards Berkman Klein Center for Internet and Society, engages Harvard Law School students in a wide range of real-world client counseling, licensing and transactional, litigation, advocacy, and policy projects and cases, covering a broad spectrum of issues relating to technology and the Internet. The Clinics work includes offering legal guidance in areas of law that include&nbsp;Communications Infrastructure; Consumer Protection, Privacy, & Compliance; General Internet Business Law; Government Innovation; Intellectual Property; Litigation and Amicus Advocacy; Online Safety, Digital Civil Liberties, & User Rights; Speech, Media Law, & First Amendment; and Technology & Access to Justice. Clinic clients include entrepreneurs; mission-oriented non-profits and other startups; public media companies; government institutions; and advocacy organizations working on issues relating to privacy, IP, online speech, civil liberties, and human rights. Students in the Clinic have the opportunity to develop substantive legal knowledge and hone their practice skills by managing projects, engaging directly with clients, and receiving feedback and mentorship from instructors who are experienced practitioners in the field. Detailed information about all aspects of the Clinics practice, including descriptions of representative clients and projects and copies of Clinic filings and publications, is available at the Clinics website, <http://clinic.cyber.harvard.edu>.&nbsp;

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# Harvard Law School Course Catalog

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## Cyberlaw Clinic

**Course #:** 8004      **Term:** 2021SP      **Faculty:** Bavitz, Christopher      **Credits:** 5.00  
**Type:** Clinic      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment;  
Procedure & Practice

**Delivery Mode:** Clinic  
**Days and Times:**

**Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Cyberlaw Clinical Seminar (2 spring classroom credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: HLS.  
The Cyberlaw Clinic, based at Harvards Berkman Klein Center for Internet and Society, engages Harvard Law School students in a wide range of real-world client counseling, licensing and transactional, litigation, advocacy, and policy projects and cases, covering a broad spectrum of issues relating to technology and the Internet. The Clinics work includes offering legal guidance in areas of law that include&nbsp;Communications Infrastructure; Consumer Protection, Privacy, & Compliance; General Internet Business Law; Government Innovation; Intellectual Property; Litigation and Amicus Advocacy; Online Safety, Digital Civil Liberties, & User Rights; Speech, Media Law, & First Amendment; and Technology & Access to Justice. Clinic clients include entrepreneurs; mission-oriented non-profits and other startups; public media companies; government institutions; and advocacy organizations working on issues relating to privacy, IP, online speech, civil liberties, and human rights. Students in the Clinic have the opportunity to develop substantive legal knowledge and hone their practice skills by managing projects, engaging directly with clients, and receiving feedback and mentorship from instructors who are experienced practitioners in the field. Detailed information about all aspects of the Clinics practice, including descriptions of representative clients and projects and copies of Clinic filings and publications, is available at the Clinics website, <http://clinic.cyber.harvard.edu>.

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# Harvard Law School Course Catalog

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## Cyberlaw Clinic Seminar

**Course #:** 2674      **Term:** 2021SP      **Faculty:** Bavitz, Christopher; Fjeld, Jessica      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment;  
Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Cyberlaw Clinic (3-5 spring clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: LLM students may apply to the clinic by submitting an application.  
This seminar is required for all students enrolled in the Cyberlaw Clinic. The course incorporates instruction about substantive legal issues at the heart of the Clinics practice, case studies and exercises designed to enhance students practice skills, and consideration of questions of ethics and professional responsibility that arise in the Clinics practice. Through regular case rounds presentations and discussions, students have the opportunity to share information with and solicit feedback from Clinic colleagues about their work.  
Please see the clinics course description for more information.

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# Harvard Law School Course Catalog

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## Cyberlaw Clinic Seminar

**Course #:** 2674      **Term:** 2020FA      **Faculty:** Bavitz, Christopher; Kortz, Mason; Fjeld, Jessica      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Cyberlaw Clinic (3-5 fall clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020.  
LLM Students: LLM students may apply to the clinic by submitting an application.  
This seminar is required for all students enrolled in the Cyberlaw Clinic. The course incorporates instruction about substantive legal issues at the heart of the Clinics practice, case studies and exercises designed to enhance students practice skills, and consideration of questions of ethics and professional responsibility that arise in the Clinics practice. Through regular case rounds presentations and discussions, students have the opportunity to share information with and solicit feedback from Clinic colleagues about their work.  
Please see the clinics course description for more information.

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# Harvard Law School Course Catalog

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## Deals

**Course #:** 2445      **Term:** 2021SP      **Faculty:** Subramanian, Guhan      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 12:40 PM - 2:40 PM

Tue 12:40 PM - 2:40 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisite: For JD students, you must have completed Corporations prior to enrolling in this course.

For LLM students, Corporations or its equivalent is a prerequisite.

Exam Type: No Exam  
Evaluation will be on the basis of class participation and deal presentation.

This advanced negotiation course examines complex corporate deals. Many of the class sessions will be structured around recent or ongoing deals, selected for the complex issues of law and business that they raise. Student teams will research and analyze these transactions in order to present their most important aspects and lessons to the class. For many of these presentations (as well as some more traditional case studies and exercises), the lawyers, bankers, and/or business principals who participated in the transaction under discussion will attend class, listen to the team's assessment, provide their perspectives, and suggest broader negotiation insights.

Topics developed throughout the course include: how negotiators create and claim value through the setup, design, and tactical implementation of agreements; complexities that can arise through agency, asymmetric information, moral hazard, and adverse selection; structural, psychological, and interpersonal barriers that can hinder agreement; and the particular challenges inherent in the roles of advisors as negotiators. The course will also explore the differences between deal-making and dispute resolution; single-issue and multiple-issue negotiations; and between two parties and multiple parties.

The class will be comprised of approximately an equal number of students from HBS and HLS, and class sessions will be held remotely.

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# Harvard Law School Course Catalog

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## Deals

**Course #:** 2445      **Term:** 2020FA      **Faculty:** Subramanian, Guhan      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 12:40 PM - 2:40 PM

Tue 12:40 PM - 2:40 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisite: For JD students, this course is open to those who have taken, or are concurrently taking, Corporations.

For LLM students, Corporations must be taken concurrently.

Exam Type: No Exam

Evaluation will be on the basis of class participation and bi-weekly journals.

This advanced negotiation course examines complex corporate deals. Many of the class sessions will be structured around recent or ongoing deals, selected for the complex issues of law and business that they raise. Student teams will research and analyze these transactions in order to present their most important aspects and lessons to the class. For many of these presentations (as well as some more traditional case studies and exercises), the lawyers, bankers, and/or business principals who participated in the transaction under discussion will attend class, listen to the team's assessment, provide their perspectives, and suggest broader negotiation insights.

Topics developed throughout the course include: how negotiators create and claim value through the setup, design, and tactical implementation of agreements; complexities that can arise through agency, asymmetric information, moral hazard, and adverse selection; structural, psychological, and interpersonal barriers that can hinder agreement; and the particular challenges inherent in the roles of advisors as negotiators. The course will also explore the differences between deal-making and dispute resolution; single-issue and multiple-issue negotiations; and between two parties and multiple parties.

The class will be comprised of approximately an equal number of students from HBS and HLS.

Note: This course will meet for twelve sessions from Monday, October 19 through Monday, November 30. Cross-registration is not allowed for this course.

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# Harvard Law School Course Catalog

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## Decoding the Deal Prospectus: Uncovering Tax and Structuring Strategies in M&A and other Public Transactions

**Course #:** 3036      **Term:** 2021SP      **Faculty:** Wang, Davis; Alter, Avi      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Taxation

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: The course assumes Taxation as a pre-requisite. Taxation of Business Corporations is helpful if taken at least concurrently, but not required.

Exam Type: Please refer to the Spring 2021 Exam Schedule

The course will explore how Federal income tax considerations and related structuring considerations shape today's deals, including mergers, acquisitions, restructurings, public offerings and other landmark corporate transactions. Students will study SEC filings related to these transactions in order to discover the strategies behind their particular form and structure. The course will be presented from the vantage point of legal and financial advisors to the transaction, so that students will become familiar with the framework that governs these corporate transactions, with a particular focus on real world approaches and strategies-how abstract principles are applied in practice and how ambiguities and uncertainties are resolved (or managed). In addition to assuming the role of advisors, students will explore the role of public filings as the case law of public deals and their practical precedential effect, the gatekeeping function of investment bankers and lawyers in a system of voluntary enforcement, the legislative and regulatory responses to publicly announced deals, and the intended and unintended consequences on deal dynamics. The goal of the course is for students to gain a general understanding of the relevant legal and financial concepts, as well as how these concepts create their own body of tax and corporate lore (if not law) and their normative implications.

The course will take a case study approach, by focusing on particular transactions and categories of transactions to explore how themes develop. Relevant tax concepts or statutory provisions will be discussed as relevant to each class, but the focus will be on understanding how such concepts affect structuring of the transaction and the evolution and development of such concepts across multiple transactions. Themes and transactions studied will include, illustratively, Inversions: Helen of Troy to Pfizer/Allergan to Abbvie/Allergan: explore how cross-border deals have changed in response to the legislative and regulatory landscape on tax

Spinoffs I: Yahoo's attempted spin-off of its stake in Alibaba (tax-free spin-off rules including device, business purpose and the active-trade-or-business requirement; cross-border taxation); Trip Advisor & Trip Advisor Holdings

Spinoffs II: Disney's acquisition of major assets from 21st Century Fox (taxable spin-off; spin-merge transactions; basis step-up)

UP-C's: Blackstone IPO and its reincorporation as a C corporation

UP-C's & Exchangeables: Merger of GE's oil and gas services business with Baker Hughes ('40 Act considerations; use of partnerships in M&A; tax receivable agreements)  
Tracking stock: Dell/EMC (use of tracking stock and potential splitoff)  
Inversion + Spin: Johnson Controls' merger with Tyco (inversions; cross-border transactions)

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Delivery of Legal Services Clinic

Course #: 8037      Term: 2020FA      Faculty: Charn, Jeanne      Credits: 5.00  
Type: Clinic      Subject Areas: Procedure & Practice  
Delivery Mode: Clinic  
Days and Times:      Location

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Legal Profession - The New Market for Personal Legal Services: Ethical and Professional Challenges (3 fall classroom credits). Seats are reserved for clinical students. Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs. Students who drop this clinic will also lose their seat in the required class component.  
Additional Co-/PreRequisites: None.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020.  
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.  
Placement Site: Greater Boston Legal Services (GBLS).  
This clinic offers students the opportunity to work with Greater Boston Legal Services (GBLS) in downtown Boston. Placements are coordinated through the Office of Clinical and Pro Bono Programs.Placements:  
Students who enroll in this clinic will be contacted by the Office of Clinical and Pro Bono Programs to begin the placement process. This is an externship clinic. Students must have at least one full business day available in their schedule to work on-site at their placement organization. Any remaining clinical hours should be worked in blocks of at least 5 hours. Please contact the Office of Clinical and Pro Bono Programs for more information about this clinic and the possible placements (clinical@law.harvard.edu or 617-495-5202).

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# Harvard Law School Course Catalog

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## Delivery of Legal Services Clinic

**Course #:** 8037

**Term:** 2021SP

**Faculty:** Charn, Jeanne

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Legal Profession - The New Market for Personal Legal Services: Ethical and Professional Challenges (3 spring classroom credits). Seats are reserved for clinical students. Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs. Students who drop this clinic will also lose their seat in the required class component.

Additional Co-/PreRequisites: None.

By Permission: No.

Add/Drop Deadline: August 14, 2020.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Placement Site: Greater Boston Legal Services (GBLS).

This clinic offers students the opportunity to work with Greater Boston Legal Services (GBLS) in downtown Boston. Placements are coordinated through the Office of Clinical and Pro Bono Programs.Placements: Students who enroll in this clinic will be contacted by the Office of Clinical and Pro Bono Programs to begin the placement process. This is an externship clinic. Students must have at least one full business day available in their schedule to work on-site at their placement organization. Any remaining clinical hours should be worked in blocks of at least 5 hours. Please contact the Office of Clinical and Pro Bono Programs for more information about this clinic and the possible placements (clinical@law.harvard.edu or 617-495-5202).

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# Harvard Law School Course Catalog

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## Democracy and the Rule of Law Clinic

**Course #:** 8049      **Term:** 2020FA      **Faculty:** Berwick, Ben; El-Mallawany, Deana      **Credits:** 5.00

**Type:** Clinic      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Legal Tools for Protecting Democracy and the Rule of Law in America (2 fall classroom credits). The clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: August 14, 2020.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Placement Site: Students will participate in an externship with The Protect Democracy Project, a nonpartisan nonprofit founded by former White House and Department of Justice attorneys and dedicated to holding the President and the Executive Branch accountable to the laws and longstanding practices that have protected our democracy through both Democratic and Republican Administrations. Most clinical work will be done remotely, although there may be opportunities for travel to Washington, D.C.

Students in the Democracy and the Rule of Law Clinic will work with The Protect Democracy Project ("Protect Democracy") to safeguard the key features of a democratic society through litigation and other means. The Clinic will focus on issues such as ensuring the impartial application of the rule of law; safeguarding healthy civic institutions that allow for public participation in political debate; prohibiting official corruption; and challenging government if it targets certain people or groups in our society.

Specific topics and projects will be determined by enrolled students in conjunction with the clinic leaders and other attorneys at Protect Democracy. Students will be divided into small teams, and each team will help to develop and manage at least one (and, more likely, several) projects. Some examples of such projects include:

Developing litigation memoranda setting forth proposed legal theories and possible causes of action, and assessing approaches to overcome justiciability barriers.

Identifying potential plaintiffs for litigation and selecting optimal jurisdictions.

Drafting complaints, preliminary injunction motions, dispositive motions and other briefs.

Assisting with discovery, including document requests and deposition planning.

Assisting with appellate briefing.

Drafting amicus briefs, white papers, op-eds, blog posts, and letters or memoranda to government officials.

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Participating in moot courts and assisting counsel with preparation for oral arguments.

Developing and submitting FOIA requests, including identifying recipients and shaping requests in a manner likely to lead to useful information.

Handling administrative FOIA appeals and follow-up with agency FOIA officers.

Drafting letters to agency Inspectors General, the Office of Special Counsel, or state Attorneys General alerting them to potential areas for investigation.

Students will have the opportunity to develop substantive knowledge, as well as litigation, oversight, and other practical skills. They will work closely with experienced former government attorneys.

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## Democracy and the Rule of Law Clinic

**Course #:** 8049      **Term:** 2021SP      **Faculty:** Nadeau, Genevieve; Berwick, Ben      **Credits:** 5.00

**Type:** Clinic      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Legal Tools for Protecting Democracy and the Rule of Law in America (2 spring classroom credits). The clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: December 4, 2020.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Placement Site: Students will participate in an externship with The Protect Democracy Project, a nonpartisan nonprofit founded by former White House and Department of Justice attorneys and dedicated to holding the President and the Executive Branch accountable to the laws and longstanding practices that have protected our democracy through both Democratic and Republican Administrations. Most clinical work will be done remotely, although there may be opportunities for travel to Washington, D.C.

Students in the Democracy and the Rule of Law Clinic will work with The Protect Democracy Project ("Protect Democracy") to safeguard the key features of a democratic society through litigation and other means. The Clinic will focus on issues such as ensuring the impartial application of the rule of law; safeguarding healthy civic institutions that allow for public participation in political debate; prohibiting official corruption; and challenging government if it targets certain people or groups in our society.

Specific topics and projects will be determined by enrolled students in conjunction with the clinic leaders and other attorneys at Protect Democracy. Students will be divided into small teams, and each team will help to develop and manage at least one (and, more likely, several) projects. Some examples of such projects include:

Developing litigation memoranda setting forth proposed legal theories and possible causes of action, and assessing approaches to overcome justiciability barriers.

Identifying potential plaintiffs for litigation and selecting optimal jurisdictions.

Drafting complaints, preliminary injunction motions, dispositive motions and other briefs.

Assisting with discovery, including document requests and deposition planning.

Assisting with appellate briefing.

Drafting amicus briefs, white papers, op-eds, blog posts, and letters or memoranda to government officials.

Participating in moot courts and assisting counsel with preparation for oral arguments.

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Developing and submitting FOIA requests, including identifying recipients and shaping requests in a manner likely to lead to useful information.  
Handling administrative FOIA appeals and follow-up with agency FOIA officers.  
Drafting letters to agency Inspectors General, the Office of Special Counsel, or state Attorneys General alerting them to potential areas for investigation.

Students will have the opportunity to develop substantive knowledge, as well as litigation, oversight, and other practical skills. They will work closely with experienced former government attorneys.

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## Democracy, the Incomplete Experiment

**Course #:** 2485      **Term:** 2021SP      **Faculty:** Robinson, Stephanie      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 1:00 PM - 3:00 PM

**Course Description:** Prerequisite: None

Exam Type: No Exam

This seminar interrogates the ways in which democracy, as practiced in the United States, continues to form. In doing so, it explores provocative themes and questions of citizenship, self-governance, accountability and inclusion in American democracy while grappling with issues of culture, class and gender. It moves beyond limited representations of democratization as the quest for universal suffrage and fair elections to a more fluid, real-time construct of competing interests, negotiated outcomes, stressed and malleable institutions, and tumultuous changes. It further clarifies the democratic process as one subject to ongoing interpretation, challenge and renewal.

Note: This course is not available for cross-registration.

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## Digital Platforms: Responsibilities Then and Now

**Course #:** 2601      **Term:** 2020FA      **Faculty:** Zittrain, Jonathan      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Health Law; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Tue 8:00 PM - 10:00 PM

**Course Description:** Prerequisites: None  
Exam Type: None  
The conventional wisdom around the responsibilities of platforms like Facebook, Google, and Amazon has evolved greatly. 1995-2010 roughly saw the era of "rights," in which the prevailing ethical view was one of abstention from shaping the flow of users contributions.  
  
From then until now theres been a powerful new framework, "public health," emphasizing the real harms that can result from unchecked online activity, just as AI techniques promise new ways to scale platforms monitoring and intervention in the activities they facilitate.  
  
Whats next? Well explore.  
Note: This reading group will meet on the following dates: 9/8, 9/22, 10/6, 10/20, 11/10, 11/17.

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## Disability Rights Law

**Course #:** 2058

**Term:** 2020FA

**Faculty:** Stein, Michael Ashley

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Constitutional Law & Civil Rights; Human Rights

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:**

Prerequisites: None

Exam Type: No Exam

This course encompasses many aspects of disability rights, laws, and policies, with particular emphasis on the Americans with Disabilities Act (ADA) which regulates employment, state and local governments, transportation, and public accommodations. This year marks the ADA's 30th Anniversary. Readings, lectures, and other disability studies materials will provide context for the covered legal issues. All materials are posted to the course website, including a copy of the ADA: <https://www.ada.gov/pubs/adastatute08.pdf>.

This two credit course meets on Tuesdays from 5:00-7:00 online via Zoom. Your grade will be determined by a 15-20 page research and reflection paper, due January 2, 2021 by 12:30pm by email to me (and not via Canvas) [mastein@law.harvard.edu](mailto:mastein@law.harvard.edu) with a copy to Mr. Zaisser [mzaisser@law.harvard.edu](mailto:mzaisser@law.harvard.edu).

I am happy to meet with you virtually at a mutually convenient time to discuss class, papers, jobs, life, etc. Please email me to make an appointment: [mastein@law.harvard.edu](mailto:mastein@law.harvard.edu). I am also available to review draft papers through December 3rd.

Note: This course is not available for cross-registration.

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## Discrimination Law in Theory and Practice

**Course #:** 3008      **Term:** 2020FA      **Faculty:** Eidelson, Benjamin      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This seminar will examine central questions about anti-discrimination law from both philosophical and doctrinal perspectives. After considering foundational issues about the nature of discrimination and its legal regulation in general, we will turn to a variety of more specific controversies-including the proper role of disparate impact in establishing discrimination, the possibility of religious exemptions from anti-discrimination rules, the permissibility of "statistical" discrimination, and the relationship between bans on discrimination and requirements of affirmative accommodation (e.g., under the Americans with Disabilities Act). Students should expect to engage closely both with academic (particularly philosophical) arguments about the proper scope of anti-discrimination law, and also with case-law that reflects the laws evolving answers to the same questions.&nbsp;

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## Dispute Systems Design Clinical Seminar

**Course #:** 2194      **Term:** 2020FA      **Faculty:** Budish, Sara      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Required Clinic Component Harvard Dispute Systems Design Clinic (3-5 spring clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course. Additional Co-/Pre-Requisites: Negotiation Workshop. Students must have taken the Negotiation Workshop before they are eligible to enroll in this clinic. By Permission: No. Add/Drop Deadline: December 4, 2020. LLM Students: LLM students may apply to this clinic by submitting an application. This 1-credit seminar is the required classroom component for students doing work through the Dispute Systems Design Clinic during the spring of 2021. Students will read and discuss works related to the various models for conducting conflict assessments, designing dispute systems, and working as a lawyer to be an effective deal-design architect. In addition, readings and discussions will focus on the practical and ethical quandaries and special challenges faced by professionals in conflict resolution, mediation, and dispute systems design. Some sessions will require students to present problems related to the clinical work in which they are currently engaged to the members of the class for discussion and brainstorming. The 1-credit class will be front-loaded with weekly meeting times for the first part of the semester and fewer class sessions in the second half of the semester in order to allow students to focus more intently on their clinical work.

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## Dispute Systems Design Clinical Seminar

**Course #:** 2194      **Term:** 2021SP      **Faculty:** Viscomi, Rachel      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component Harvard Dispute Systems Design Clinic (3-5 spring clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
This 1-credit seminar is the required classroom component for students doing work through the Dispute Systems Design Clinic during the spring of 2021. Students will read and discuss works related to the various models for conducting conflict assessments, designing dispute systems, and working as a lawyer to be an effective deal-design architect. In addition, readings and discussions will focus on the practical and ethical quandaries and special challenges faced by professionals in conflict resolution, mediation, and dispute systems design. Some sessions will require students to present problems related to the clinical work in which they are currently engaged to the members of the class for discussion and brainstorming. The 1-credit class will be front-loaded with weekly meeting times for the first part of the semester and fewer class sessions in the second half of the semester in order to allow students to focus more intently on their clinical work.

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# Harvard Law School Course Catalog

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## Diversity and Dispute Resolution

**Course #:** 2929      **Term:** 2021WI      **Faculty:** Hoffman, David      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:00 AM - 12:30 PM

Tue 10:00 AM - 12:30 PM

Wed 10:00 AM - 12:30 PM

Thu 10:00 AM - 12:30 PM

Fri 10:00 AM - 12:30 PM

**Course Description:** Prerequisite: None

Exam Type: No Exam  
There will be no final exam or research paper - instead, students will write a 300-500 word reading response for each day of class, except for the final class, for which the reading response is 600-1,000 words.  
In this course, we will examine the ways in which various types of diversity - such as class, culture, disability, ethnicity, gender, race, religion, and sexual orientation - impact the way we negotiate and resolve conflict, including the effects of intersectionality and privilege. Although the main focus of the class will be on readings and discussion, we will also use experiential exercises, including role plays, to enhance our personal understanding of how diversity affects our experience of conflict and our ability to manage difficult conversations involving identity and diversity.  
Readings will include excerpts from Mahzarin Banaji, Ta-Nehisi Coates, Kim Crenshaw, Richard Delgado, Carol Gilligan, Trina Grillo, Michele LeBaron, Carol Liebman, Larry Susskind, and Kenji Yoshino.  
Enrollment in the course is limited to 24 students.

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# Harvard Law School Course Catalog

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## Drug Product Liability Litigation

**Course #:** 2293      **Term:** 2020FA      **Faculty:** Grossi, Peter      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Health Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule  
Class participation (10%); short mid-term "bench memorandum" in mid-October (40%); final exam (open book) (50%).

More product liability lawsuits are filed against prescription drug manufacturers than against all other industries combined. As one scholar put it, the pharmaceutical industry is now "in tobacco-land in terms of how much people hate it," and drug product liability litigation is a "growth industry." This course, which will be taught by a practitioner with 25 years of experience trying such cases, will consider the theory and practice of such litigation before and after the Supreme Courts landmark decision in Wyeth v. Levine.

At the outset, we will focus on the similarities and differences between pharma cases and other product liability cases, using the "Phen-Fen" (Diet Drug) cases tried by the instructor as a model, and on the special context of FDA regulation. We will then consider the legal doctrines governing such lawsuits, such as "failure to test"; inadequate warning; learned intermediary; medical causation; and various forms of damages. We will discuss these issues both in their classic formulations in a single lawsuit, but also in the way those principles are applied in the context of a mass pharmaceutical litigation where there may be several thousand individual claimants and multiple jury trials.

The course will also consider the practical application of these doctrines, including the special evidentiary problems when doctors are witnesses; discovery tactics where regulatory agencies are involved; techniques to present complex scientific material to juries; approaches to trial examination; jury selection strategies; and the problems in structuring mass tort settlements. Again, we will review both the legal principles governing these issues and the way they are often mutated in the context of mass claims and trials. The final class will focus on the alternative ways vaccines and pandemic treatments are regulated and litigated.

There is also a three-credit version of this course. You can view the details under a separate offering in the course catalog.

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# Harvard Law School Course Catalog

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## Drug Product Liability Litigation

**Course #:** 2293

**Term:** 2020FA

**Faculty:** Grossi, Peter

**Credits:** 3.00

**Type:** Elective

**Subject Areas:** Health Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

Class participation (5%); mid-term (20%); final exam (25%); jury presentation (50%).

More product liability lawsuits are filed against prescription drug manufacturers than against all other industries combined. As one scholar put it, the pharmaceutical industry is now "in tobacco-land in terms of how much people hate it," and drug product liability litigation is a "growth industry." This course, which will be taught by a practitioner with 25 years of experience trying such cases, will consider the theory and practice of such litigation before and after the Supreme Courts landmark decision in Wyeth v. Levine.

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Note: There is also a two-credit version of this course. The three-credit version of the course will include all of the classes and materials in the two-credit version. In addition, the 16 students who elect to take the three-credit version will review, in detail, the transcript of an actual trial of a drug product liability case. They will then each prepare a 4-5 page (with Powerpoints) section of competing statements they will present, in teams, to a jury composed of Cambridge residents (not members of the HLS community and conducted on a remote basis). The jurors, in turn, will provide their reactions, much as the jury research most sophisticated practitioners conduct prior to major product liability actions. The three-credit version will include additional class time to work as a team on the presentation. The presentation to the jurors will be a final (3 hour) class.

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## Economic Analysis of Law

**Course #:** 2062      **Term:** 2020FA      **Faculty:** Shavell, Steven      **Credits:** 3.00  
**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Government Structure & Function; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 8:30 AM - 10:00 AM

Tue 8:30 AM - 10:00 AM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

What effects does law have? Do corporations pollute less, market safer products, and adhere more often to their contractual obligations in order to avoid suit? Is innovation spurred by intellectual property rights? Are individuals led to comply with the tax rules, drive more carefully, and commit fewer crimes by the prospect of sanctions for wrong doing? Such questions about the influence of legal rules on outcomes—and about the social desirability of the outcomes—have been investigated by legal scholars and economists in a systematic manner since the 1970s. Their approach is widely considered to be intellectually important and to be of significant value in practice. This course will survey the field of economic analysis of law and illustrate its relevance to judicial decisions, legal argument, expert witness work, and public policy. The subjects covered are the major building blocks of law: torts, contracts, property law, criminal law, and the legal process. The course will also address the tension between functional, economic arguments and those phrased in moral terms. The course is aimed at a general audience of students; no background in economics is needed to take it. Textbook(s): Shavell, Steven. Foundations of Economic Analysis of Law, Harvard Press, 2004.

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## Education Advocacy and Systemic Change

**Course #:** 2063

**Term:** 2020FA

**Faculty:** Cole, Susan

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Family, Gender & Children's Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Education Law Clinic: Externships (3-5 fall clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 3, 2020.  
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Exam Type: No Exam. Each student will present a rounds presentation on a relevant topic in system change legal work.

Grading for this course will be based on active involvement and preparation for class discussions and a final student rounds presentation on a topic related to the students externship work and the role it plays in the organizations system change effort.

This course will explore a model of system change in education law that involves stakeholders in identifying system problems, understanding their complexity, understanding solutions, and choosing from a variety of strategies to bring about needed improvements in the educational system. The class will focus on pro-active aspects of system change lawyering, that is, the point in time when lawyers and affected stakeholders have identified a problem and must delve into the complex work of determining what solutions will bring about effective change.

Overarching learning goals include: 1) preparing students interested in system change in education to analyze the theory of change operating in the organizations and agencies in which they work 2) introducing students to the process of engaging with affected stakeholders to build consensus around the most effective solutions to complex problems; and 3) exploring the array of strategies that lawyers can use to achieve the sought after solutions.

We will apply this model of change to each of the organizations in which students are placed with an eye towards understanding how the students work not only fits into the overall system change goals of their organizations but also responds to the broader concerns of the organizations stakeholders. Additionally, we will learn from examples of past system change legal efforts, including those that sought to enforce rights in existence and those that turned to the legislature or public opinion to create new rights. Guest speakers will discuss their work with the class, addressing topics such as the role of politics and media, the level and type of community involvement, the legal rights available at the time decisions were made, what went into the decision of which strategy to choose for addressing the problem. Readings will include original sources, theories of organizational change, and doctrinal background to the system change efforts we explore.

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## Education Law and Policy

**Course #:** 2064      **Term:** 2021SP      **Faculty:** Gregory, Michael      **Credits:** 3.00  
**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; Family, Gender & Children's Law; Government Structure & Function

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM  
Tue 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: None  
  
Exam Type: No Exam

This course will survey several contemporary legal and policy issues in American elementary and secondary public education, including school finance; school discipline and the school-to-prison pipeline; racial (re)segregation and isolation; immigration and bilingual education; sex, sexuality and gender; family and student voice and engagement; bullying prevention and intervention; testing, accountability and the Every Student Succeeds Act (ESSA); special education; workforce diversity and inclusiveness; and the school choice movement; among others.

To help us understand the dimensions of these current education reform issues, we will begin the course by familiarizing ourselves with several lenses, or theoretical perspectives, that we can use as tools to inform our analysis, including: the democracy lens, the critical race theory lens, the historical/structural lens, the trauma lens, and the school culture lens. Along the way we will consider the roles that a variety of legal authorities (e.g., the First Amendment, the Due Process and Equal Protection Clauses, compulsory education laws, federal civil rights laws, state constitutions, the Elementary and Secondary Education Act (ESEA), the Individuals with Disabilities Education Act (IDES), and many others) play in shaping the structure and process of public education in the United States. We will also read and discuss non-legal texts in a variety of media by educators, journalists, social scientists, and others.

Several recurring themes and questions will guide our analysis, including: What are the purposes of public education in a democratic society? What is learning, and what conditions allow students to learn effectively? What makes a school a good school? How should law and policy allocate authority for deciding how students should be educated and what they should learn? What constitutes equal educational opportunity and what measures should we use to determine whether or not it exists? Similarly, how should we measure student achievement and remedy gaps that exist between the achievement levels of various subgroups? How does education policy get made and what role can and should law and lawyers play in designing solutions to problems in education policy? What are effective legal and policy arrangements for ensuring that those impacted most by the education system-students, caregivers, educators-have a meaningful voice in its governance?

Assignments for the course will include contributing to a class blog on Canvas, planning and delivering a lesson on a topic of your choosing, and completing a research project at the conclusion of the course. Class participation will also be a major part of the course grade. There is no final examination in this course.

Note: This course is jointly-listed with HGSE.

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# Harvard Law School Course Catalog

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## Education Law Clinic: Externships

Course #: 8009	Term: 2020FA	Faculty: Cole, Susan	Credits: 5.00
Type: Clinic	Subject Areas: Procedure & Practice		
Delivery Mode: Clinic			
Days and Times:	Location		

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Education Advocacy and Systemic Change (2 fall classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: None.By Permission: No. Add/Drop Deadline: August 3, 2020.LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT. Placement Site: Various externship placements.

The Education Law Clinic: Externships focuses on the educational rights of students with an emphasis on the educational success of at-risk, low income students, those who have been traumatized by exposure to adverse experiences, have disabilities, have been or are homeless, or have experienced other barriers to success at school, such as bullying (including cyberbullying), truancy, suspensions and expulsions. Many are caught in the school to jail pipeline. Law students will intern with organizations that are addressing these issues. Each student will be placed in either a non-profit organization (such as Massachusetts Advocates for Children, EdLaw Project) or a government agency (such as the Massachusetts Department of Elementary and Secondary Education or the General Counsel Cambridge Public Schools).

Placements: Students who enroll in this clinic will be contacted by Liz Solar in the Office of Clinical and Pro Bono Programs to begin the placement process of matching students with externship organizations. Some of the placement organizations ask for a minimum of 15 hours of work. The concurrent course will provide time to reflect upon each students clinical experience and place the work they and their organization are doing to engage in the process of system change.

This is an externship clinic. Clinical hours should be worked in blocks of at least 5 hours. Most placement organizations are open Monday-Friday from 9am-5pm.

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# Harvard Law School Course Catalog

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## Education Law Clinic: Individual Representation

**Course #:** 8006

**Term:** 2020FA

**Faculty:** Gregory, Michael

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Special Education Advocacy for Students Impacted by Trauma (2 fall classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course. Additional Co-/Pre-Requisites: None. By Permission: No. Add/Drop Deadline: August 3, 2020. LLM Students: LLM students interested in this clinic should be in contact with the clinic directly. Placement Site: HLS.

Students must attend a mandatory orientation session on Friday, September 11, 2020 from 1:00-4:00 PM. The Education Law Clinic: Individual Representation engages students in individual client representation in special education as well as systemic change advocacy to advance the school success of children who have endured highly adverse childhood experiences. Students use the legal tools contained in the federal Individuals with Disabilities Education Act (IDEA) and related laws (including the McKinney-Vento Homeless Assistance Act, Section 504 of the Rehabilitation Act of 1972, federal Medicaid laws, and federal and state statutes regarding confidentiality, among others) to advocate for individual remedies that will enable their clients children to succeed in school. Students will utilize research from psychology, neurobiology, and education about the effects of trauma on learning to inform their representation. Depending on the posture of the cases in the clinic, students will represent clients either at the first administrative hearing level -- the IEP team meeting -- or at the administrative appeal level -- the Bureau of Special Education Appeals. Past students have made enormous differences in the lives of children by obtaining an appropriate education, and in many cases reversing school exclusions, for individual children at school.

Though the major focus of students clinic work will be direct client representation, students will also engage in systemic advocacy that furthers the Clinic's broader mission. In recent semesters, this has included conducting legal trainings for expert evaluators and community-based mental health providers so they can assist their families to navigate the special education system at school and assert their legal rights.

The Education Law Clinic is part of the Trauma and Learning Policy Initiative (TLPI), a collaboration between HLS and Massachusetts Advocates for Children, the mission of which is to ensure that all children, including those traumatized by exposure to violence and other adverse childhood experiences, succeed in school. The clinics direct legal representation of individual families is a key strategy in TLPIs ongoing multi-strategic advocacy campaign to create safe and supportive school environments where all students can learn and thrive.

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## Education Law Clinic: Legislative and Administrative Lawyering

**Course #:** 8006

**Term:** 2021SP

**Faculty:** Gregory, Michael; Cole, Susan

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Systemic Advocacy for Safe and Supportive Schools (2 spring classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course. Additional Co-/Pre-Requisites: None. By Permission: No. Add/Drop Deadline: November 27, 2020. LLM Students: LLM students interested in this clinic should be in contact with the clinic directly. Placement Site: HLS.

The Education Law Clinic is part of the Trauma and Learning Policy Initiative (TLPI), a collaboration between HLS and Massachusetts Advocates for Children (MAC). TLPI's mission is to ensure that all students succeed in school, including those traumatized by exposure to violence and other adverse childhood experiences, including experiences of racism and other forms of structural inequality. Students in this clinic will participate directly in TLPI's ongoing multi-strategic advocacy campaign for safe and supportive schools in Massachusetts. Students will learn by doing state-level legislative and administrative lawyering work that furthers TLPI's mission, with particular attention paid to elevating the voices of students, caregivers and educators in the law- and policy-making process. Specific activities will vary depending on the semester, but have included: meeting with members of the legislature, the education bureaucracy, and their staff; organizing a legislative briefing; preparing constituents to testify before legislative and/or administrative bodies; drafting and distributing media advisories, op-eds and press releases; communicating with and rallying constituents to advocate with their lawmakers; organizing an agenda for and participating in a coalition meeting; using branding and media as strategies for effectively conveying a message; using empirical research as part of an advocacy strategy; and drafting legislation. Students will have the opportunity to develop their writing skills by working on a variety of documents that are important in the law- and policy-making process; again, this will vary by semester but can include briefing materials, talking points, correspondence, communications to the media, and sometimes regulatory comments and draft legislation. Students will gain an understanding of roles that are critical to executing effectively a legislative and/or administrative campaign: strategist, policy researcher, legislative lawyer, lobby manager, outreach strategist, and communications director.

Please also note that students are required to schedule a substantial portion of their clinic office hours on Tuesdays, Wednesdays and Thursdays because these are the days the Massachusetts legislature is typically in session. Beginning in the third week of the semester, students will be required to attend a one-hour weekly team meeting each Tuesday morning from 9:00-10:00 am.

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## Election Law

**Course #:** 2928      **Term:** 2020FA      **Faculty:** Stephanopoulos, Nicholas      **Credits:** 4.00  
**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 9:30 AM - 11:30 AM  
Fri 9:30 AM - 11:30 AM

**Course Description:** Prerequisite: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course examines the law, both constitutional and statutory, that governs the American electoral system. Topics covered include the right to vote, reapportionment and redistricting, minority representation, the regulation of political parties, and campaign finance. The course draws heavily from both legal and political science scholarship. It addresses constitutional provisions including the First, Fourteenth, and Fifteenth Amendments, as well as key statutes such as the Voting Rights Act, the Federal Election Campaign Act, and the Bipartisan Campaign Reform Act. Students will develop an understanding of not only election law doctrine, but also the theoretical and functional underpinnings of the American electoral system.

Textbook(s):  
Election Law Cases and Materials (6th ed.) by Lowenstein, Hasen, Tokaji, Stephanopolous 2017. ISBN: 978-5310-0472-9 Carolina Academic Press. Also, the 2020 Supplement.

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## Emerging Issues in Refugee Protection: The Representation of Child Asylum Seekers

**Course #:** 2926

**Term:** 2021SP

**Faculty:** Kelly, Nancy; Willshire, John

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Constitutional Law & Civil Rights; Family, Gender & Children's Law; Human Rights; International, Comparative & Foreign Law; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: Prior exposure to asylum or immigration law is helpful but not required.

Exam Type: No Exam. The final grade will be based primarily on an in-class presentation and a final research paper.

According to the United Nations High Commissioner for Refugees (UNHCR), children, including those who are unaccompanied by an adult, comprise 51% of the total global refugee population. Since 2009, the United States has recorded a dramatic increase in the number of child asylum seekers from the countries of El Salvador, Guatemala, and Honduras: 50,036 children were apprehended by Border Patrol in FY2018, compared with 3,304 in FY2009. This surge of children arriving in the United States is the result of complex issues, including race, gender, and the rise of powerful maras, or gangs, which focus much of their violence on young people, whom they seek to recruit into their ranks. The U.S. government's response to the arrival of these children has been to institute a series of measures to undermine their access to protection. Like all refugees, children's claims to legal protection are first and foremost governed by the 1951 UN Refugee Convention and the 1967 Protocol Relating to the Status of Refugees, to which the United States is a party. The interpretation of the U.S.'s procedural and substantive obligations under UN Refugee Convention and 1997 Protocol are guided by international instruments such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the UN Convention of the Rights of the Child. Children flee violence and persecution for reasons similar to adults, but also for other reasons that are unique to their status and experiences as children. As a result, children's claims to refugee protection must be evaluated in light of their age and special circumstances. For example, the UNHCR and the U.S. asylum program recognize that the key term persecution in the definition of refugee requires differential interpretation in cases of children compared to those of adults. The Children's Asylum Guidelines, issued by the U.S. government, specifically state that the harm a child fears or has suffered... may be relatively less than that of an adult and still qualify as persecution. Children have unique emotional vulnerabilities as well as cognitive and developmental differences from adults that must be considered in evaluating their testimony. Such testimony is the key evidence presented in any asylum claim.

This seminar will focus on the growing body of domestic and international law governing procedural protections, substantive rights, and related rights for children in asylum hearings, including drawing from comparative law cases and international sources. Course examples will include discussion of issues presented litigating child asylum claims in federal court, including the First Circuit cases, *Meijilla-Romero v. Holder*, and *Ordonez Quino v. Holder*, both of which were litigated by the Clinic. The course will also draw on the experiences of our clinical program in successfully preparing and presenting child asylum claims in administrative proceedings. We will also rely on international instruments, such as the UN Convention on the Rights of the Child, to interpret the U.S.'s obligations under international law and to define a child's rights framework approach to these claims. The seminar will focus on the historical background to the current conflict in Central America to discuss questions related to credibility and corroboration in child asylum claims, including the use of country condition evidence and expert witnesses to support the testimony presented. The seminar will also consider comparative perspectives, studying other conflicts in which children have become particular targets. Students enrolled in the seminar will analyze treaties, regulations, and secondary sources, as well as the experiences of child migrants through their narratives and case affidavits. The seminar will also address current U.S. policies and practices directed at immigrant

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children.

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## Empirical Law and Economics

**Course #:** 2811      **Term:** 2020FA      **Faculty:** Ferrell, Allen; Cohen, Alma      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

**Course Description:** Prerequisite: None

Exam Type: No Exam

This course will consider a range of issues in empirical law and economics. Empirical methods are increasingly used in legal practice and policy. The aim of this course will be to give students a sense of the empirical methods that have been applied to the study of legal issues, the key issues to which such methods have been applied, and how to evaluate and criticize such empirical studies. Among the subjects we may cover are empirical work on policing and crime, judges' decision, discrimination, corporate governance, and securities litigation. Special attention will be given to efforts to identify causality. Some session will feature speakers who do current empirical research.

Readings will be mainly from articles in law reviews and economics or finance journals.

Note: The course will not meet on all Wednesdays and Thursdays during the semester. Rather, it will meet for twelve 2-hour sessions which will take place during the first two months of the semester and take place during the time slot of the course.

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## Empirical Law and Finance

**Course #:** 2253      **Term:** 2021SP      **Faculty:** Cohen, Alma      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: None  
Exam Type: No Exam  
Empirical tools have been increasingly used in litigation, regulation, and policymaking in corporate law, corporate governance, and securities regulation fields. This course will aim to expose students to, and enable them to engage with, empirical work in these fields. To this end, sessions of this course will feature professors from law schools and business schools who will present and discuss their empirical research with the students.  
The course will meet for six Wednesday sessions, which will be concentrated during the first two months of the semester.  
There will be no exam. Instead, students will be asked to submit, before most sessions, a brief memo on the research to be discussed in the session, and grades will be based primarily on these memos. Students who wish to do so may choose to do an additional one- or two-credit independent research project in conjunction with the course.  
Some background or interest in corporate law, economics, finance, or empirical methods will be helpful, but no technical knowledge in these areas will be necessary. Students who have questions regarding whether the course would be suitable for them should feel free to contact the instructor.

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## Employment Discrimination

**Course #:** 2068      **Term:** 2021SP      **Faculty:** Churchill, Steve      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Employment and Labor Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 9:30 AM - 11:30 AM

Fri 9:30 AM - 11:30 AM

**Course Description:** Prerequisite: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course will examine civil rights law in the workplace, one of the most hotly litigated bodies of law in recent decades. Although employers have great latitude when making employment decisions under common law, a variety of statutes regulate decisions that are based on protected characteristics, such as race, gender, age, religion, national origin, or disability. On the federal level, those statutes include Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Equal Pay Act, the Family & Medical Leave Act, and more. Over time, those statutory protections have been subject to constant review and revision, both by courts called upon to resolve conflicting values and norms and by legislatures responding to competing political pressures. In studying core aspects of the doctrine that have remained relatively stable, as well as aspects that have changed over time, we will examine the forces that have influenced the ongoing development of this area of law. The course will cover various topics related to rights and procedures, including the increased prevalence of mandatory arbitration agreements and the role of class action litigation. This course will be taught in an accelerated manner, with coursework to be completed during the first half of the semester.

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## Employment Law

**Course #:** 2069      **Term:** 2020FA      **Faculty:** Sachs, Benjamin      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Employment and Labor Law; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 9:30 AM - 11:30 AM

Fri 9:30 AM - 11:30 AM

**Course Description:** Prerequisite: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

In this 4-credit course, we will examine the laws that govern and structure the employment relationship in nonunion workplaces. As such, the course will provide students an understanding of the law of work for the vast majority of U.S. firms. We will discuss the doctrine of employment at will, along with exceptions to that rule. We will cover the basic principles of employment discrimination law; the constitutional rights (including the free speech rights) of public employees; mandatory arbitration of workplace disputes and employment rights; post-employment issues including covenants not to compete; workplace safety and health; and the laws governing wages and hours.

Textbook(s):

WILLBORN, ET AL., EMPLOYMENT LAW: CASES AND MATERIALS, SIXTH ED. (2017) ISBN9781531005474  
EMPLOYMENT LAW: SELECTED FEDERAL AND STATE STATUTES (2018 ED.) ISBN9781531010959

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## Employment Law Clinic

**Course #:** 8012

**Term:** 2020FA

**Faculty:** Churchill, Steve

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Employment and Labor Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Employment Law Workshop: Advocacy Skills (2 fall classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020.  
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.  
Placement Site: Various externship placements.  
The Employment Law Clinic focuses on rights in the workplace, with a particular emphasis on state and federal laws that prohibit discrimination, harassment, and retaliation based on race, sex, disability, and other protected characteristics. Work may also address issues such as unemployment benefits, wage and hour claims, severance negotiations, union issues, workplace safety, and more. Students in this clinic will have placements at externships, such as with non-profit/advocacy groups (such as Lawyers for Civil Rights; Gay and Lesbian Advocates and Defenders; Justice at Work; or Greater Boston Legal Services), or with government agencies (such as the Massachusetts Commission Against Discrimination; the Massachusetts Attorney Generals Office; the U.S. Equal Employment Opportunity Commission; or the U.S. Department of Labor).  
Placements: Students who enroll in this clinic will be contacted by the Office of Clinical and Pro Bono Programs to begin the placement process of matching students with externship organizations.  
This is an externship clinic. Students must have at least one full business day available in their schedule to work on-site at their placement organization. Any remaining clinical hours should be worked in blocks of at least 5 hours. Most placement organizations are open Monday-Friday from 9am-5pm.

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## Employment Law Clinic

**Course #:** 8012

**Term:** 2021SP

**Faculty:** Churchill, Steve

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Employment and Labor Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Employment Law Workshop: Strategies for Social Change (2 spring classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.  
Placement Site: Various externship placements.  
The Employment Law Clinic focuses on rights in the workplace, with a particular emphasis on state and federal laws that prohibit discrimination, harassment, and retaliation based on race, sex, disability, and other protected characteristics. Work may also address issues such as unemployment benefits, wage and hour claims, severance negotiations, union issues, workplace safety, and more. Students in this clinic will have placements at externships, such as with non-profit/advocacy groups (such as Lawyers for Civil Rights; Gay and Lesbian Advocates and Defenders; Justice at Work; or Greater Boston Legal Services) or with government agencies (such as the Massachusetts Commission Against Discrimination; the Massachusetts Attorney Generals Office; the U.S. Equal Employment Opportunity Commission; or the U.S. Department of Labor).  
Placements: Students who enroll in this clinic will be contacted by the Office of Clinical and Pro Bono Programs to begin the placement process of matching students with externship organizations.  
This is an externship clinic. Students must have at least one full business day available in their schedule to work on-site at their placement organization. Any remaining clinical hours should be worked in blocks of at least 5 hours. Most placement organizations are open Monday-Friday from 9am-5pm.

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## Employment Law Workshop: Advocacy Skills

**Course #:** 2070      **Term:** 2020FA      **Faculty:** Churchill, Steve      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Employment and Labor Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 7:00 PM - 9:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Employment Law Clinic (3-5 fall clinical credits). This clinic and course are bundled; enrollment in the clinic will automatically enroll you in this course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020.  
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.  
This course will develop lawyering skills in the context of employment law. After a brief overview of relevant doctrine and procedure, the course will address - through readings, lectures, and exercises - skills related to legal writing, oral advocacy, discovery, depositions, negotiations, counseling, and ethics. The course will follow the progress of a typical civil rights lawsuit involving a terminated employee. For example, one class session will require students to engage in a mock deposition of an opposing witness in a hypothetical sex discrimination case, and the next class will require students to engage in a negotiation in the same case.  
A more general goal of the course is to develop the ability (1) to identify what skills make a lawyer effective, and (2) to implement strategies for independently identifying and improving those critical skills. Because this goal is advanced by exposure to actual lawyering, all students will have a clinical placement with the Employment Law Clinic. The workshop will require completion of an individual or group project that will connect clinical placements with course topics.

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## Employment Law Workshop: Strategies for Social Change

**Course #:** 2071      **Term:** 2021SP      **Faculty:** Churchill, Steve      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Employment and Labor Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Thu 7:00 PM - 9:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Employment Law Clinic (3-5 spring clinical credits). This clinic and course are bundled; enrollment in the clinic will automatically enroll you in this course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.  
This course will examine how lawyers can use different strategies to effect social change, with a special emphasis on advancing the right to be free from workplace discrimination based on protected characteristics such as race and sex. After surveying the relevant law and reviewing empirical information about the nature of civil rights violations, we will evaluate possible strategies for social change, including government action, individual and class action litigation, self regulation, alternative dispute resolution, organizing, and social entrepreneuring. All students will have a clinical placement through the Employment Law Clinic. All clinical placements will include exposure to some aspect of employment rights and will play an important role in bringing diverse perspectives to the workshop. The workshop will require completion of an individual or group project. Projects may include some combination of empirical research, legal analysis, program evaluation, or other approaches to examining and improving the effectiveness of existing workplace protections.

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## Engaging China

**Course #:** 2650

**Term:** 2020FA

**Faculty:** Alford, William

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Wed 7:00 PM - 9:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This one unit course will examine the role that China has been playing in a world order in flux. Models of development, trade, and rights are among the areas likely to be addressed. We will consider, inter alia, China's engagement of existing global norms, ways in which China may (or may not) now or in the foreseeable future be shaping such norms, and their impact on China. The intention is to hold all but one of our likely six 2-hour sessions of the class jointly with a comparable class at Renmin University of China, via electronic means — hence, our evening meeting times. Each session will cover a specific topic. In past years topics have included trade, law and development, legal education, the legal profession, corporate social responsibility, corporate governance, the Foreign Corrupt Practices Act, rights (through the prism of disability), climate change and the roles of the US and China in Africa - with the precise configuration to be determined closer to the start of the semester. We conclude the semester with a mock negotiation concerning foreign investment done jointly with students from Renmin University School of Law. Please address any questions to Professor Alford.

Note: This course will meet from 8-10pm in September and October, and 7-9pm in November to accommodate meeting electronically with fellow students at Renmin University.

This reading group will meet on the following dates: 9/9, 9/23, 10/7, 10/21, 10/28 and 11/18.

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## English Legal History

**Course #:** 2370

**Term:** 2021SP

**Faculty:** Kamali, Elizabeth Papp

**Credits:** 3.00

**Type:** Elective

**Subject Areas:** International, Comparative & Foreign Law; Legal History

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 10:30 AM - 12:00 PM

Tue 10:30 AM - 12:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD international/comparative requirement.

Prerequisites: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This class provides an introduction to the legal and constitutional history of England from the Anglo Saxons to the end of the Tudor period, essentially 600-1600.&nbsp; We will cover the development of both private (e.g., contract, torts, property) and public law (e.g., criminal and constitutional law). &nbsp;No previous background in English legal history is assumed. &nbsp;Students will develop an historically informed perspective on early developments in the English common law system, gain a comparative perspective on issues of continuing relevance to lawyers today, and build a set of critical reading skills that are essential to the work of legal historians and practicing lawyers alike.&nbsp; The class will cover a broad sweep of a thousand years, which means we cannot devote much class time to basic political history. &nbsp;However, optional contextual reading&nbsp;is included in the course pack.

Note: This course is jointly-listed with FAS as MEDVLSTD 117. It meets at HLS.

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## Entertainment and Media Law: Entertainment Transactions and Negotiations

**Course #:** 2334

**Term:** 2021SP

**Faculty:** Kole, Tara

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

Tue 5:00 PM - 7:00 PM

**Course Description:**

Prerequisites: None

Exam Type: No Exam

This course focuses on key transactions in the entertainment industry. We will use case studies based on real-world deals in the film and television business, including major studio, streaming and independent transactions for actors, writers, directors and producers. Students will be asked to work in teams and do mock negotiations in class. The course has two key objectives: First, to provide an overview of the major components of film, television and streaming deals, including the meaning of pay-or-play; calculation of profit participations and other forms of contingent compensation; approvals and controls; the distinctions between streaming and traditional media agreements; editing and cutting rights; rights with respect to sequels, remakes and television spin-offs and new media; and other key issues that arise on a daily basis in entertainment law practice. Second, the course will provide an opportunity to learn negotiating skills, as applied in the entertainment context. Note that this course will not include substantial material on music or sports law.

Note: This reading group will meet on the following dates: 4/5, 4/6, 4/12, 4/13, 4/19, 4/20

Drop Deadline: April 6, 2021 by 11:59 pm EST

Textbook: Dina Appleton & Dan Yankelevits, Hollywood Dealmaking (3rd Edition, 2018)

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## Entrepreneurial Agreements and Startup Decisions

**Course #:** 2939      **Term:** 2021SP      **Faculty:** Fertik, Michael      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisites: None  
Exam Type: No Exam  
What key agreements do entrepreneurs have to make in the chrysalis stages of their venture? What seminal decisions do they take in the earliest days that can have outsized downstream consequences? How do you give them the best possible legal \_and\_ business counsel?  
This Simulation Course will examine critical moments of decision-making in relation to essential, dynamic topics such as co-founder agreements, corporate structure, venture capital, valuations, IP protection, relations with early employees, vesting schedules, contractor collaboration, temp-to-perm hires, business development partnerships, strategic investors, compensation, NDAs, board membership, advisory boards, key vendors, domiciling, for-profit or otherwise, strike prices, alternative capital formation terms such as PIK dividends, and incentive plans for fast-growing teams.  
Students should be prepared to simulate key moments in corporate formation and growth. Special attention will be given to the realities of advising early stage, high-velocity startups, which must often deal with uncertainties and risk profiles that are dissimilar from those faced by larger-scale, mature corporations.  
Because this is a simulation course, attendance at every class session is mandatory. This course will be fully remote.  
Note: This course will meet over the first two weeks of term.

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## Environmental Law

**Course #:** 2074      **Term:** 2020FA      **Faculty:** Lazarus, Richard      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Environmental Law; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course surveys federal environmental law and serves as a useful introduction both to environmental law's particular complexities as well as to the skills necessary in mastering any complex area of regulation. The first part of the course considers the character of environmental disputes, the problems inherent in fashioning legal rules for their resolution, the history of the emergence of modern environmental law in the United States, and constitutional law issues that arise in the environmental law context. The second part of the course reviews several specific federal environmental statutes. The statutory review combines a close examination of several statutes — especially the Clean Air Act and Clean Water Act — with a more general review of the basic operation of other laws, such as the National Environmental Policy Act and the Comprehensive Environmental Response, Compensation, and Liability Act. All the statutes serve as illustrations of different regulatory approaches to environmental problems: "command and control," information disclosure, and market-based instruments. The class includes more extended consideration of climate change law and how and why environmental law is routinely whipsawed by shifting Presidential administrations, and class discussion frequently extends beyond court rulings to include the underlying litigation strategies of the parties that led to those rulings.

Textbook(s):

Percival, Miller, Schroeder & Leape, Environmental Law (8th edition 2017)

Publisher: Wolters Kluwer; 8 edition (February 1, 2018)

ISBN-10: 1454882115

ISBN-13: 978-1454882114

(Recommended) Robin Kundis Craig, Selected Environmental Law Statutes, 2020-2021 Educational Edition

ISBN: 9781647080778

Imprint: West Academic Publishing

Series: Selected StatutesPublication Date: 08/06/2020

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
March 28, 2023 3:22 PM

## Environmental Law and Policy Clinic

**Course #:** 8008

**Term:** 2020FA

**Faculty:** Jacobs, Wendy; Goho, Shaun

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Environmental Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Environmental Law and Policy Clinical Course (1 fall classroom credit). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: August 14, 2020.

LLM Students: LLM students may apply to this clinic by submitting an application.

Placement Site: Most clinical work is done on HLS campus; some placements are available at externship locations (government agencies and nonprofits). Students are carefully matched to their projects/placements by the Clinic Director 4 weeks in advance of the semester. Certain projects and placements have a longer lead time. The Clinic Director speaks with each enrolled student to determine the appropriate project or placement.

This clinic is available for 4 or 5 clinical credits, plus 1 credit for the required class component. Students wishing to take the clinic for 3 clinical credits must apply to the Clinic Director to receive an exception and waiver; students approved to take the clinic for 3 clinical credits will still be required to take the 1 credit class component.

The Emmett Environmental Law and Policy Clinic (ELPC) offers students an opportunity to do hands-on, meaningful, real-life, and real-time environmental/energy regulatory, policy and advocacy work. Clinic offerings include local, national, and international projects covering the spectrum of environmental, energy and administrative law issues, under the leadership of Director and Clinical Professor Wendy Jacobs. Clinic students work on policy projects and white papers, regulatory and statutory drafting and comments, manuals and guidance to help non-lawyers identify and protect their rights, litigation and advocacy work, including developing case strategies, research and drafting briefs (filed in state and federal courts, including the U.S. Supreme Court), preparing witnesses and their testimony, meeting with clients and attending and presenting at administrative and court hearings. Our clients include state and municipal governments, non-governmental organizations, advocacy and community groups, and research and policy institutions. The subject matter varies each semester, but often includes climate change migration, citizen science, climate change mitigation and adaptation, offshore drilling and water protection, sustainable agriculture/aquaculture, ethics in the study of human exposure to environmental contaminants, development of legal frameworks for emerging technologies such as carbon capture and sequestration, extraction of natural gas by hydraulic fracturing, and aiding environmental protection and advocacy groups to identify opportunities and strategies for participating in the review and permitting processes for significant energy infrastructure projects.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
March 28, 2023 3:22 PM

## Environmental Law and Policy Clinic

Course #: 8008	Term: 2021SP	Faculty: Goho, Shaun; Joroff, Aladdine	Credits: 5.00
Type: Clinic	Subject Areas: Environmental Law; Procedure & Practice; Regulatory Law		
Delivery Mode: Clinic			
Days and Times:	Location		

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Environmental Law and Policy Clinical Course (1 spring classroom credit). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required one-credit course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: Most clinical work is done on campus; some placements are available at externship locations (government agencies and nonprofits). Students are carefully matched to their projects/placements by the Clinic Director approximately 4 weeks in advance of the semester. Certain projects and placements have a longer lead time. The Clinic Director speaks with each enrolled student to determine the appropriate project or placement.  
This clinic is available for 4 or 5 clinical credits, plus 1 credit for the required class component. Students wishing to take the clinic for 3 clinical credits must apply to the Clinic Director to receive an exception and waiver; students approved to take the clinic for 3 clinical credits will still be required to take the 1 credit class component.  
The Emmett Environmental Law and Policy Clinic (ELPC) offers students an opportunity to do hands-on, meaningful, real-life, and real-time environmental/energy regulatory, policy and advocacy work. Clinic offerings include local, national, and international projects covering the spectrum of environmental, energy and administrative law issues, under the leadership of Director and Clinical Professor Wendy Jacobs. Clinic students work on policy projects and white papers, regulatory and statutory drafting and comments, manuals and guidance to help non-lawyers identify and protect their rights, litigation and advocacy work, including developing case strategies, research and drafting briefs (filed in state and federal courts, including the U.S. Supreme Court), preparing witnesses and their testimony, meeting with clients and attending and presenting at administrative and court hearings. Our clients include state and municipal governments, non-governmental organizations, advocacy and community groups, and research and policy institutions. The subject matter varies each semester, but often includes climate change displacement, citizen science, climate change mitigation and adaptation, offshore drilling and water protection, sustainable agriculture/aquaculture, ethics in the study of human exposure to environmental contaminants, development of legal frameworks for emerging technologies such as carbon capture and sequestration, extraction of natural gas by hydraulic fracturing, and aiding environmental protection and advocacy groups to identify opportunities and strategies for participating in the review and permitting processes for significant energy infrastructure projects.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Environmental Law and Policy Clinic

**Course #:** 8008      **Term:** 2021WI      **Faculty:** Joroff, Aladdine; Goho, Shaun      **Credits:** 2.00

**Type:** Clinic      **Subject Areas:** Environmental Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Environmental Law and Policy Clinical Course (1 winter classroom credit). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required one-credit course.  
Additional Co-/Pre-Requisites: None.  
By Permission: Yes. Applications should include a resume and one-page statement of interest. Applications should be sent directly to Clinic Director Wendy Jacobs ([wjacobs@law.harvard.edu](mailto:wjacobs@law.harvard.edu)) and Jacqueline Calahong ([jcalahong@law.harvard.edu](mailto:jcalahong@law.harvard.edu)) by October 31, 2020.  
Add/Drop Deadline: November 13, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: HLS. Students are carefully matched to their projects/placements by the Clinic Director approximately 4 weeks in advance of the semester. Certain projects and placements have a longer lead time. The Clinic Director speaks with each enrolled student to determine the appropriate project or placement.  
The Emmett Environmental Law and Policy Clinic (ELPC) offers students an opportunity to do hands-on, meaningful, real-life, and real-time environmental/energy regulatory, policy and advocacy work. Clinic offerings include local, national, and international projects covering the spectrum of environmental, energy and administrative law issues, under the leadership of Director and Clinical Professor Wendy Jacobs. Clinic students work on policy projects and white papers, regulatory and statutory drafting and comments, manuals and guidance to help non-lawyers identify and protect their rights, litigation and advocacy work, including developing case strategies, research and drafting briefs (filed in state and federal courts, including the U.S. Supreme Court), preparing witnesses and their testimony, meeting with clients and attending and presenting at administrative and court hearings. Our clients include state and municipal governments, non-governmental organizations, advocacy and community groups, and research and policy institutions. The subject matter varies each semester, but often includes climate change mitigation and adaptation, offshore drilling and water protection, sustainable agriculture/aquaculture, ethics in the study of human exposure to environmental contaminants, development of legal frameworks for emerging technologies such as carbon capture and sequestration, extraction of natural gas by hydraulic fracturing, "green" infrastructure for management of storm water, and aiding environmental protection and advocacy groups to identify opportunities and strategies for participating in the review and permitting processes for significant energy infrastructure projects.  
This winter term clinic is limited to 10 students and is by application only.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Environmental Law and Policy Clinical Course

**Course #:** 2842      **Term:** 2020FA      **Faculty:** Jacobs, Wendy; Goho, Shaun      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Environmental Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Thu 5:00 PM - 6:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Environmental Law and Policy Clinic (4-5 fall clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
This course teaches skills and strategies for practicing environmental law as a supplement to enrollment in the Emmett Environmental Law & Policy Clinic. The class will examine and work through various types of environmental litigation (administrative proceedings, criminal litigation, and civil litigation, including statute-based and common law-based litigation), building the case for litigation (fact gathering, petition for agency action, comments on proposed agency rules), amicus briefing, and strategies for avoiding litigation. We will engage with environmental, energy, and climate justice issues. Locating and parsing pertinent environmental statutes, regulations, and key cases will be necessary, but general mastery of black letter law is not the focus of the course. The course is practical, hands-on and participatory. Students will develop and apply skills through class discussions as well as in-class and written exercises.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Environmental Law and Policy Clinical Course

**Course #:** 2842      **Term:** 2021SP      **Faculty:** Goho, Shaun; Joroff, Aladdine      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Environmental Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 6:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Environmental Law and Policy Clinic (4-5 fall clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
This course teaches practical skills, knowledge, and strategies for practicing environmental law.&nbsp; To supplement your experience in the Emmett Environmental Law & Policy Clinic, the class examines and works through several of the legal and practical issues involved in enforcing the federal environmental laws through citizen suits.&nbsp; You will practice skills such as: parsing and applying relevant statutes, regulations, and case law; identifying procedural pathways and strategies for successful judicial challenges to harmful actions; engaging in effective fact gathering; and drafting key documents in a citizen suit (60-day notice letter, standing declarations, and summary judgment briefs).&nbsp; The course is practical, hands-on, and participatory.&nbsp; You will develop and apply skills through class discussions, in-class and written exercises, and peer review.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Environmental Law and Policy Clinical Course

**Course #:** 2842      **Term:** 2021WI      **Faculty:** Goho, Shaun; Joroff, Aladdine      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Environmental Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 6:00 PM  
Tue 5:00 PM - 6:00 PM  
Wed 5:00 PM - 6:00 PM  
Thu 5:00 PM - 6:00 PM  
Fri 5:00 PM - 6:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Environmental Law and Policy Clinic (2 winter clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: Yes. Applications should include a resume and one-page statement of interest. Applications should be sent directly to Clinic Director Wendy Jacobs ([wjacobs@law.harvard.edu](mailto:wjacobs@law.harvard.edu)) and Jacqueline Calahong ([jcalahong@law.harvard.edu](mailto:jcalahong@law.harvard.edu)) by October 31, 2020.  
Add/Drop Deadline: November 13, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
In this clinical course students will participate actively in a variety of classroom instruction activities designed to focus on substantive and administrative/procedural law, ethical issues, practice skills and the clinical experience generally.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Environmental Law in the Supreme Court

**Course #: 2432**

**Term:** 2021SP

**Faculty:** Lazarus, Richard

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Environmental Law

**Delivery Mode:** Seminar

### Days and Times:

### Location

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: There are no prerequisites for this seminar. 

## Exam: No Exam

This seminar will explore the role of the United States Supreme Court in the shaping of the nation's environmental, energy, and natural resources laws, with special emphasis on both advocacy before the Court and the Court's internal decision making processes. The seminar is designed to introduce students both to the full scope and meaning of environmental law, the related challenges of environmental lawmaking (and advocacy) and to the workings of the Supreme Court and advocacy before the Court. After the introductory class session, we will examine each week some of the most significant environmental cases decided by the Supreme Court, but by going far beyond just the Court's final opinion. We will seek to better understand environmental law and the Court, by examining the briefs and oral argument in the case and, when available, the internal decision making documents of the Justices, including bench memos, conference votes, and draft opinions. We will also frequently visit with counsel of record in some of the cases and discuss with them their litigation strategies.

The one possible exception to our focus on past Supreme Court environmental law cases will occur if the Supreme Court happens to be considering a significant environmental law case at the time the seminar is meeting next spring. If that happens, we will likely shift some of our attention to that case on a real-time basis. That could include discussions whether the Court should, or is likely to grant review. Or, if review is already granted, how best to prepare for argument in the case. And, if the argument is already complete, what the Court seems most likely to rule in the case. Again, we will review a wide range of readings and consult with counsel in our examination of the case.

# Harvard Law School Course Catalog

2020-2021 Academic Year

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## ERISA

**Course #:** 2659      **Term:** 2021SP      **Faculty:** Rosenberg, Peter      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Employment and Labor Law; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: Familiarity with one or more of: trusts & estates, federal income tax, corporations - is recommended but not required.

Exam Type: Please refer to the Spring 2021 Exam Schedule

This two credit course will cover the comprehensive employee benefits regime under the Employee Retirement Income Security Act, otherwise known as "ERISA". Our goal will be to provide students with a working understanding of the history and policies driving the legislative and regulatory efforts, the range and types of benefit plans affected, and the issues and challenges facing employers, employees, and fiduciaries. Our primary context will be retirement plans - including traditional pension plans, 401(k)s and IRAs, and those responsible for funding and stewardship of the trillions of dollars underwriting our private retirement systems.

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## Estate Planning

**Course #:** 2592      **Term:** 2021SP      **Faculty:** Bloostein, Marc      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; Regulatory Law; Taxation

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: Trusts and Estates, which may be taken concurrently with this course as well.

Exam Type: No Exam

Grading will be based upon practice exercises and class participation.

This course will examine basic and sophisticated estate planning techniques. It will take a practical perspective, studying how the estate planner navigates the federal transfer tax and property law rules with sensitivity to a clients personal circumstances and concerns in order to achieve the clients objectives.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Ethics, Economics and the Law

**Course #:** 2076      **Term:** 2021SP      **Faculty:** Sandel, Michael      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 3:00 PM - 5:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
Explores controversies about the use of markets and market reasoning in areas such as organ sales, procreation, environmental regulation, immigration policy, military service, voting, health care, education, and criminal justice. The seminar will examine arguments for and against cost-benefit analysis, the monetary valuation of life and the risk of death, and the use of economic reasoning in public policy and law.  
Note: This course is jointly-listed with FAS as GOV 2034.

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## Evaluating Criminal Justice Reform

**Course #:** 2644      **Term:** 2021SP      **Faculty:** Greiner, D. James      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law and Procedure; Legal & Political Theory

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Thu 7:30 PM - 9:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
A few short years ago, it would have been unthinkable for candidates for prosecutorial positions to run on a platform of reduced incarceration. Equally unthinkable would have been a coalition of the libertarian right and the progressive left on reentry initiatives and criminal record-clearing. But the current era could be merely the swing of a policy pendulum; the next few years could see the pendulum swing back to tough-on-crime rhetoric. One possible way to prevent a cycle of change and reversal is to generate scientific evidence of what works in criminal justice reform. This reading group will focus on how to do so, the challenges associated with doing so, and examples of attempts to do so.  
  
Note: This reading group will meet eight times, 90 minutes per meeting, on the following dates: 1/28, 2/4, 2/11, 2/18, 2/25, 3/4, 3/11, 3/25.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Evidence

**Course #:** 2079      **Term:** 2020FA      **Faculty:** Schulman, Emily      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 8:10 AM - 10:10 AM

Tue 8:10 AM - 10:10 AM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course will examine the rules of evidence, focusing primarily on the Federal Rules of Evidence, with additional consideration given to select state rules and cases. Topics covered will include: relevance, hearsay and exceptions, exclusion, confrontation, direct and cross examination, character evidence, impeachment, rehabilitation, lay opinion, expert evidence, privileges and more. We will consider how the rules function in practice, the rationales underlying them, and how they might be improved. Evidence is a recommended prerequisite for the Trial Advocacy Workshop and can be the basis for certification to practice in conjunction with some of the Law Schools clinical offerings.

Textbook(s): Fisher's Evidence 3rd edition ISBN: 978-1609300609 Federal Rules Supplement (2020 edition-due out 8/10/2020) ISBN: 978-1642429411

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## Evidence

**Course #:** 2079      **Term:** 2020FA      **Faculty:** Rubin, Peter      **Credits:** 2.00

**Type:** Multisection      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

In this course we will study the basic rules and principles of American evidence law, focusing primarily on federal law (the Federal Rules of Evidence and cases interpreting them). Topics covered will include: relevance, the hearsay rule and its exceptions, character and propensity evidence, examination and impeachment of witnesses, authentication and best evidence rules, privilege, unfair prejudice, and some of the constitutional questions that arise in connection with evidence. Evidence is a recommended prerequisite for the Trial Advocacy Workshop and can be the basis for certification to practice in conjunction with some of the Law Schools clinical offerings.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Evidence

**Course #:** 2079      **Term:** 2021SP      **Faculty:** Rubin, Peter      **Credits:** 2.00

**Type:** Multisection      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

**Course Description:** Prerequisite: None  
Exam Type: Please refer to the Spring 2021 Exam Schedule

In this course we will study the basic rules and principles of American evidence law, focusing primarily on federal law (the Federal Rules of Evidence and cases interpreting them). Topics covered will include: relevance, the hearsay rule and its exceptions, character and propensity evidence, examination and impeachment of witnesses, authentication and best evidence rules, privilege, unfair prejudice, and some of the constitutional questions that arise in connection with evidence. Evidence is a recommended prerequisite for the Trial Advocacy Workshop and can be the basis for certification to practice in conjunction with some of the Law Schools clinical offerings.

Textbook:;

Fisher; Evidence 3rd ed; and the latest statutory supplement;

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# Harvard Law School Course Catalog

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## Evidence

**Course #:** 2079      **Term:** 2020FA      **Faculty:** Murray, Peter      **Credits:** 2.00

**Type:** Multisection      **Subject Areas:** International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

The law of evidence regulates the presentation of factual information in the Anglo-American jury trial process and legitimates the outcomes of that process. In a wider sense, the concept of evidence embraces the process of proof of facts in any legal proceeding.

In this course, evidence law is presented and studied in the context of American trial advocacy with some comparative perspectives on fact-finding in various legal systems. The course is structured around the Federal Rules of Evidence but also includes evidence issues from other sources. The basic topics of relevance, hearsay, form of direct and cross examination, rules of exclusion, illustrative aids, impeachment, authenticity, expert testimony, best evidence, privilege, and unfair prejudice will be covered through study and discussion of numerous trial problems as well as of rules and cases. The course also includes computer-aided video exercises in simulated trial settings.

Assignments will be posted on the Course Web Site each week. Students will be expected to be prepared to participate in class discussion and solution of the assigned problems each day.

Evidence is a recommended prerequisite for the Trial Advocacy Workshop and can support certification for student practice in the Law Schools clinical offerings.

Text: The course text, lecture notes, assignments, and additional materials will be available on the course website. Most of the materials are also available in Green, Nesson and Murray, Problems, Cases and Materials on Evidence, 4th Ed.&nbsp;(Aspen 2017). The problems that will be assigned are available in Green, Nesson & Murray, Problems in Evidence. A current paperback copy of the restyled Federal Rules of Evidence will also be a convenience.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Evidence

**Course #:** 2079      **Term:** 2020FA      **Faculty:** Clary, Richard      **Credits:** 3.00

**Type:** Multisection      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 8:00 AM - 9:30 AM

Thu 8:00 AM - 9:30 AM

**Course Description:** Prerequisite: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course will study the basic rules and principles of American evidence law, focusing primarily on the Federal Rules of Evidence and cases interpreting them. Topics to be covered will include: relevance, the hearsay rule and its exemptions and exceptions, character and propensity evidence, admissions, prior statements, lay and expert opinions, impeachment and rehabilitation, authentication, best evidence rule, privilege, unfair prejudice, and some of the constitutional questions that arise in connection with evidence. We will also look at related practical aspects of trial, such as referencing evidence in opening statements, conducting direct, cross and re-direct examinations, and making and responding to objections.

Textbook(s):  
David Sklansky and Andrea Roth, &ldquo;Evidence Cases, Commentary, and Problems&rdquo;, Fifth Edition (2020), published by Wolters Kluwer as part of the Aspen Casebook Series.

ISBNs:  
Print + Casebook Connect: 9781543804577  
Digital Only Casebook Connect: 9781543822038  
Loose Leaf + Casebook Connect: 9781543822014  
Rental + Casebook Connect: 9781543822021  
eBook: 9781543819649

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Evidence

**Course #:** 2079      **Term:** 2021SP      **Faculty:** Lvovsky, Anna      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 3:20 PM - 4:40 PM

Tue 3:20 PM - 4:40 PM

Wed 3:20 PM - 4:40 PM

**Course Description:** Prerequisites: None  
  
Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course will examine the rules and principles of American evidence law, focusing on both the practical application of evidentiary rules in court and the questions of policy, epistemology, and institutional design that govern them. Topics will include relevance, hearsay and its exceptions, privileges, character evidence, lay and expert opinion, scientific proof, direct and cross examination, competence, impeachment, rehabilitation, authentication, and presumptions, as well as certain constitutional issues bearing on evidence. The course will center on the Federal Rules of Evidence, but will incorporate select state and foreign counterparts.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Evidence and Reason

**Course #:** 2769      **Term:** 2020FA      **Faculty:** Brewer, Scott      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Legal & Political Theory  
**Delivery Mode:** Seminar

Days and Times:	Location
Tue 5:00 PM - 7:00 PM	

**Course Description:** Prerequisites: None

Exam Type: No Exam

We rely on reasoned inferences with reliable evidence to manage everyday life -- to decide, for example, what precautions are prudent in the face of a pandemic. Reasoned inferences with reliable evidence are also essential to three domains that are of special interest to us in this course: law, politics, and science. Despite the importance of good reasoning with reliable evidence, it has become a commonplace to say that we live in a post-truth public (including online) space, in this country and more broadly around the world. We may define a post-truth space as one in which canons that call for careful weighing of evidence and the testing of judgments about what is true are either overtly rejected and disparaged or silently disrespected and unheeded. In this seminar we explore several related questions: What are the criteria of good evidence in the domains of law, politics, and science? Are the criteria for good evidence the same across these domains? Is there a counterpart to post-truth politics in what might be called post-truth law? Could there be such a thing as post-truth science? Is there something valuable in post-truth? Valuable to whom, and for what? Readings are from cases, statutes, politicians’ public political statements, and works by philosophers, intellectual historians, legal theorists, and cognitive scientists. Course work consists of class participation and a paper on a topic, to be worked out with the professor, that is fairly related to course topics and readings.

Open to cross-registrants from other schools.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Facilitation Workshop: Leading Challenging Conversations in Business, Politics, and the Community

**Course #:** 2591      **Term:** 2020FA      **Faculty:** Viscomi, Rachel; McGaraghan, Neil      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:00 PM - 4:00 PM

Thu 3:00 PM - 4:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisites: Negotiation Workshop and instructor permission. Enrollment will be limited to 12 students, selected by application (see more information on the application procedure below). Attendance at all sessions is mandatory in order to accommodate various group exercises and simulations. Application Instructions: To be considered for admission to the Facilitation Workshop, please submit a resume and a narrative statement of interest, no longer than one page to Tracy Blanchard (tblanchard@law.harvard.edu).

Exam Type: No Exam

Lawyers facilitate. We routinely handle matters that require us to lead groups of people to work together in order to solve problems, reach decisions, and resolve conflicts. We collaborate with clients and colleagues to develop legal strategies, negotiate complex deals, build consensus on policy proposals, and coordinate with colleagues around duties and responsibilities. We may work with community stakeholders, family members, or local officials to increase understanding, resolve a dilemma, or re-build trust. And facilitation is not limited to legal practice - entrepreneurs, consultants, public officials, for-profit and non-profit executives alike facilitate. Yet despite how integral this work is to the modern workplace, few lawyers or other professionals receive training in how to organize, run, and effectively facilitate gatherings of people - especially when there are strong emotions involved.

This 4-credit workshop introduces students to the theory and practice of facilitation, both in traditional legal as well as non-legal contexts. It provides opportunities for students to develop the skills necessary to run effective meetings, work with people in conflict, lead group problem-solving efforts, and more. Like the Law Schools Negotiation Workshop, this Workshop will integrate intellectual and experiential learning by combining readings, lectures, and discussions with frequent exercises, extensive review, live and filmed examples, individual and small group reviews, and careful analysis of the facilitation process and the process of learning from experience. In addition to traditional facilitation skills, we will explore thorny questions of power, inclusion, emotions, and identity.

Textbook(s): Roger Schwarz,&nbsp;The Skilled Facilitator: A Comprehensive Resource for Consultants, Facilitators, Coaches, and Trainers&nbsp;(3d ed. 2017) ISBN: 978-1119064398

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# Harvard Law School Course Catalog

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## Facts and Lies

**Course #:** 2861      **Term:** 2021SP      **Faculty:** Saris, Patti      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Criminal Law and Procedure; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

The seminar will explore different kinds of facts, including historic facts, scientific facts, legislative facts, constitutional facts, mixed questions of fact and law; and reasonable inferences. We will ask who should resolve factual disputes: judges or juries? How are different burdens of proof and presumptions used as aids to resolve fact disputes? How should we evaluate video evidence? How are different appellate standards applied? How do courts evaluate fact-finding by administrative agencies? How are facts presented in amicus briefs? How do institutional concerns determine who the fact finders are? The course will also examine lies in court. How are the rules of evidence designed to determine when people lie? How do the laws punish lies? What devices are used at trial to determine explicit and implicit bias? How do limitations in memory of a witness affect credibility? Facts and lies have outcome-determinate effects in many cases. Doctrines that determine factfinders, burdens of proof, and other topics covered in the seminar are not only theoretically interesting -- they're practically important for effective litigators to master, and they shape the chances that litigants have at succeeding on the merits. I hope not only to study legal doctrines but also to give students practical litigation experience by hosting speakers, inviting students to an oral argument in federal court, and providing opportunities for legal writing (like memoranda on a motion to dismiss, a summary judgment motion and a judicial opinion). I will give extensive input on the writing. Occasional two-page response papers will be required.

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## Fair Trial

**Course #:** 2312      **Term:** 2020FA      **Faculty:** Nesson, Charles      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law and Procedure; Government Structure & Function; Human Rights; Legal & Political Theory; Legal History; Legal Profession, Legal Ethics & Professional Responsibility; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 8:30 AM - 10:00 AM

Tue 8:30 AM - 10:00 AM

**Course Description:** Prerequisite: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule  
Students will write a paper (1500 words) and an exam essay (500 words), both due at the end of the exam period.

This is a course about Jury as key to Sixth Amendment guarantees to persons accused of crimes.

We will examine the rationale behind the rights enshrined in the Sixth Amendment and explore why the guarantee of jury trial was so important to the founding generation. What motivated the amendment’s ratification? What evils did its drafters intend it to meet?

We will study the subsequent interpretation of the Sixth Amendment and explore whether or not its rights as presently afforded to criminal defendants comport with constitutional aspiration.

We address change. Are we as a class able to model fair jury trial? What is an impartial jury in a world of power imbalances, structural inequities, and implicit biases?

Enjoy before we meet: My Cousin Vinny; Twelve Angry Men; and The Black Panthers: Vanguard of the Revolution. Class will begin with a discussion of liberty, privacy, nymity, freedom of thought and expression, and a welcome to threads.

Limit of 50 students.

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## Fairness and Privacy: Perspectives of Law and Probability

**Course #:** 2672      **Term:** 2020FA      **Faculty:** Minow, Martha; Dwork, Cynthia      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 9:00 AM - 10:00 AM

Tue 9:00 AM - 10:00 AM

**Course Description:** Prerequisites: Admission is by permission of instructors; applicants should submit letters of inquiry with CVs to Joseph Cunningham (jcunningham@law.harvard.edu) by April 28, 2020.

Exam Type: No Exam

From old problems like affirmative action to newer ones like the turn to algorithms in criminal justice and credit, law and private actions use group traits to influence or determine the treatment of individuals. When do these practices run afoul of conceptions of fairness in law or in computer science and statistics? When do alternatives even exist? New approaches to data analysis quantify and control individual privacy loss while revealing information about larger groups. When do these concepts run afoul of conceptions of privacy in law? What elements of legal and quantitative reasoning exacerbate or resolve such issues, and how can people with training in one field better collaborate with those from other disciplines? This intensive seminar will bring together advanced students in computer science, statistics, law, and government to tackle these and related questions. Offered concurrently by HLS and SEAS, with interwoven tracks emphasizing, respectively, law and computer science, the tracks will meet jointly and separately.

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## Family Law

**Course #:** 2084      **Term:** 2021SP      **Faculty:** Halley, Janet      **Credits:** 3.00  
**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Family, Gender & Children's Law; Regulatory Law  
**Delivery Mode:** Course

Days and Times:	Location
Mon 10:20 AM - 11:50 AM	
Tue 10:20 AM - 11:50 AM	

**Course Description:** Prerequisites: None

Exam Type&#58; Please refer to the Spring 2021 Tentative Exam Schedule

We will study the increasingly complex "marriage system," in which new forms of adult relationship join marriage in the legal order; the rules making marriage a significant distributive institution both in the larger political economy and amongst family members; and the role of criminal law and administrative law in governing conflict among family members. &nbsp;We will study the role of constitutional law in shaping the family and making family-law and sexual-liberty issues controversial in the polity.&nbsp; Throughout we will compare marriage with its alternatives and with informal relationships, and will seek to understand how the family law system complements market labor and public welfare provision in distributing social welfare. Students will visit the Middlesex Family and Probate Court; will watch and discuss classic movies about family conflict; and will engage in a divorce negotiation exercise involving short writing assignments. Participation on panels discussing reading assignments will be a course requirement.

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## Fashion Law Lab

**Course #:** 2936      **Term:** 2021SP      **Faculty:** Sarian, Nana; Harris, Rebecca      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Fri 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisites: None

Exam Type: No Exam

This experiential course is taught by Nana Sarian, who has served as General Counsel of Stella McCartney since 2012, and Rebecca Harris, an HLS alum and an attorney at Goulston & Storrs in Boston whose practice focuses on various areas of Fashion Law.

The course will consist of interactive workshops featuring case studies on fashion law. Students will put themselves in the shoes of a lawyer advising a brand, working in small groups to tackle real legal challenges and scenarios faced by in-house fashion counsels on a daily basis from the office and atelier to the runway, with a particular focus on legal analysis and problem solving. Topics will range from intellectual property (including the protection of fashion designs, focusing on the differences between protection in the US and EU), commercial law (including commercial arrangements to license the IP of a brand to third parties for the manufacture and sale of products which traditionally are not produced in-house by a brand, e.g. fragrance or sportswear), contracts for sale (to wholesale and retail customers) as well as the laws relevant to fashion shows/presentations (covering matters as broad as design rights, music licensing, fashion photographers and labor law), supply chains (with a focus on sustainability in fashion), the digital world and social media. Various international guest lecturers from the fashion industry will also be invited to present in class including from Parsons School of Design, as well as Pier Luigi Roncaglia (an IP practitioner based in Italy who specializes in civil litigation in all areas of IP before all Italian courts, the General Court and the Court of Justice of the European Union as well as criminal litigation and anti-counterfeiting) and Claire Bergkamp (Head of Sustainability and Ethical Trade, Stella McCartney).

Nana Sarian developed the Fashion Law Lab and has been teaching the course at HLS since 2017. Rebecca Harris has been part of the teaching team since the course commenced and returns this year as a Co-Lecturer.

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## Federal Budget Policy

**Course #:** 2566      **Term:** 2021WI      **Faculty:** Jackson, Howell      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Government Structure & Function

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 9:00 AM - 12:00 PM

Tue 9:00 AM - 12:00 PM

Wed 9:00 AM - 12:00 PM

Thu 9:00 AM - 12:00 PM

Fri 9:00 AM - 12:00 PM

**Course Description:** Prerequisite: None  
Exam Type: No Exam. Students enrolled in the course will be expected to submit a series of reaction papers to daily assignments, some of which will be team reaction papers.  
The goal of this course is to introduce students to the law and practice of government budgeting in the United States. Students will be introduced to the basic structure of the federal budget process, including the Presidents Budget and Congressional budget procedures.&nbsp; We will explore the roles of all three branches of federal government in setting budget policy in the United States, covering government shut-downs, debt ceiling crises, continuing resolutions, and ongoing debates over budget reforms and fiscal challenges. &nbsp;Based on student interest, we may also take up entitlement reform, defense spending, budgeting for infrastructure as well as topics related to state budgeting practices and federal-state relations in budget policy.  
Readings will be from Fiscal Challenges: An Interdisciplinary Approach to Budget Policy (2007) (Howell Jackson, et al., eds.) and additional distributed materials.  
In order to accommodate scheduling requirements for students from different parts of Harvard University, class sessions will take place during the first two weeks of the January Term, with nine two-hour classes in the mornings, one two-hour afternoon session early in the first week of classes, and roughly four luncheon presentations with outside experts. Students from across the University are welcome to enroll.  
Students interested in writing a research paper on budget policy can sign up to write such a paper for independent credit in the Spring semester. Research topics should be arranged with permission of the instructor. Examples of student papers from past years are available at&nbsp;<http://scholar.harvard.edu/briefingpapers/home>.

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## Federal Courts and the Federal System

**Course #:** 2086      **Term:** 2020FA      **Faculty:** Field, Martha      **Credits:** 5.00  
**Type:** Multisection      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:10 PM - 2:50 PM

Thu 1:10 PM - 2:50 PM

Fri 1:10 PM - 2:50 PM

**Course Description:** Prerequisites: For JD students, this course is open to those who have taken, or are concurrently taking, one of the two basic courses in Constitutional Law - Constitutional Law: First Amendment or Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment. For LLM students, instructor permission is required to enroll in this course.

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course involves a study of the role of the federal courts in the operation of the federal system. Topics include: choice of law in the federal courts and the development of federal common law; the power of Congress to regulate jurisdiction; Supreme Court review of state court judgments; federal habeas corpus; and the federal question jurisdiction, including limitations on its exercise. Special attention will be given to various technical doctrines that frequently limit federal jurisdiction in constitutional litigation against states: the abstention and sovereign immunity doctrines and limitations on federal injunctions against state proceedings. Other topics concerning the Civil Rights Act, 42 U.S.C. 1983, will also be considered.

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## Federal Courts and the Federal System

**Course #:** 2086      **Term:** 2020FA      **Faculty:** Fallon, Richard      **Credits:** 5.00

**Type:** Multisection      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 10:20 AM - 12:00 PM

Mon 10:20 AM - 12:00 PM

Tue 10:20 AM - 12:00 PM

**Course Description:** Prerequisite: For JD students, this course is open to those who have completed Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment. For LLM students, instructor permission is required to enroll in this course.

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course offers a study of the role of the federal courts in the operation of the federal system. It is an advanced course in public law, judicial administration, and constitutional and civil rights litigation and will assume a knowledge of substantive constitutional law. Topics include the case or controversy requirement; the power of Congress to regulate the jurisdiction of the Supreme Court and the lower federal courts; federal question jurisdiction; doctrines of sovereign and official immunity; federal common law; Supreme Court review of state court judgments; abstention; and federal habeas corpus.

Textbook(s):

Hart & Wechsler's The Federal Courts and the Federal System (7th edition 2015)  
ISBN 978-1-60930-427-0

Authors: Richard Fallon, John Manning, Daniel Meltzer, & David Shapiro

Textbook Supplement: 2020 Supplement, to be published later this summer

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## Federal Courts and the Federal System

**Course #:** 2086      **Term:** 2021SP      **Faculty:** Goldsmith, Jack      **Credits:** 5.00  
**Type:** Multisection      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:20 AM - 12:00 PM  
Tue 10:20 AM - 12:00 PM  
Wed 10:20 AM - 12:00 PM

**Course Description:** Prerequisite: Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment; students who have not completed that pre-requisite may enroll only with the permission of the instructor. For LLM students, instructor permission is required to enroll in this course.

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course studies the role of the federal courts in the federal system. &nbsp;Topics covered will include &nbsp;the case or controversy requirement and justiciability, congressional authority to regulate the jurisdiction of the federal courts, federal habeas corpus, advanced Erie issues, federal common law, and sovereign immunity.

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## Federal Courts Clinic

**Course #:** 8056      **Term:** 2020FA      **Faculty:** Zimmer, David      **Credits:** 5.00

**Type:** Clinic      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law and Procedure; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Federal Courts Clinical Seminar (1 fall classroom credit). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: None.

By Permission: Yes. Applications are due by September 1.

Add/Drop Deadline: N/A - students who enroll in the clinic will be committing for the semester.

Placement Site: Remote work.

The Federal Courts Clinic, which is being offered for the first time in the Fall semester, will allow students to work with federal judges throughout the country and at different levels of the judicial system to gain a greater insight into the workings of the federal judiciary.

Each student in the clinic will spend a semester working in the Chambers of a federal judge. Most students will likely work in the Chambers of either a court of appeals or district court judge, but some students may also work for federal bankruptcy or magistrate judges. Students specific assignments will vary according to the needs of their judge, but will likely include drafting bench memos, assisting with preparations for trials, hearings and arguments, and other work related to cases before the court.

The Clinic will be directed by David Zimmer, a Partner in the Supreme Court and Appellate practice at Goodwin Procter, who clerked at both the U.S. Supreme Court and the Ninth Circuit Court of Appeals, and who has significant experience practicing before all levels of the federal courts. Mr. Zimmer will also teach the Federal Courts Clinical Seminar, in which students in the clinic will have the opportunity to discuss and analyze their experiences to gain greater insight into the broader work of the federal judiciary.

Application:

First, many judges allow law students to apply for semester-long externships. If you have already obtained such an externship for the fall, you can automatically be admitted to the Clinic and Clinical Seminar.

Please let Maggie Bay ([mbay@law.harvard.edu](mailto:mbay@law.harvard.edu)) know by September 1 at 12pm EST if you would like to pursue this option.

Second, we are working to obtain commitments from some judges to work with students who we have accepted into the clinic. If you would like to apply for one of these placements, please send (1) a resume, (2) an unofficial transcript, (3) a short (no more than 15 pages) and unedited writing sample, and (4) a short (no more than 300 words) statement of interest, which must include any preferences concerning the judge for whom you would like to work (appellate, district, region, etc.). Please submit the application to [clinical@law.harvard.edu](mailto:clinical@law.harvard.edu) by no later than 12pm EST on September 1. Please note that a student will not be enrolled in the clinic until they have been approved for a specific placement by a federal judge who will be supervising the specific externship placement.

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## Federal Courts Clinic

**Course #:** 8056      **Term:** 2021SP      **Faculty:** Zimmer, David      **Credits:** 5.00

**Type:** Clinic      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law and Procedure; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Federal Courts Clinical Seminar (1 spring classroom credit). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: None.

By Permission: Yes.

Add/Drop Deadline: N/A - students who enroll in the clinic will be committing for the semester.

Placement Site: Remote work.

The Federal Courts Clinic will allow students to work with federal judges throughout the country and at different levels of the judicial system to gain a greater insight into the workings of the federal judiciary.

Each student in the clinic will spend a semester working in the Chambers of a federal judge. Most students will likely work in the Chambers of either a court of appeals or district court judge, but some students may also work for federal bankruptcy or magistrate judges. Students specific assignments will vary according to the needs of their judge, but will likely include drafting bench memos, assisting with preparations for trials, hearings and arguments, and other work related to cases before the court.

The Clinic will be directed by David Zimmer, a Partner in the Supreme Court and Appellate practice at Goodwin Procter, who clerked at both the U.S. Supreme Court and the Ninth Circuit Court of Appeals, and who has significant experience practicing before all levels of the federal courts. Mr. Zimmer will also teach the Federal Courts Clinical Seminar, in which students in the clinic will have the opportunity to discuss and analyze their experiences to gain greater insight into the broader work of the federal judiciary.

Application:

First, many judges allow law students to apply for semester-long externships. If you have already obtained such an externship for the spring, you can automatically be admitted to the Clinic and Clinical Seminar.

Please let Maggie Bay ([mbay@law.harvard.edu](mailto:mbay@law.harvard.edu)) know if you would like to pursue this option.

Second, we are working to obtain commitments from some judges to work with students. If you would like to apply for one of these placements, please contact Maggie Bay ([mbay@law.harvard.edu](mailto:mbay@law.harvard.edu)) to receive a list of potential placements and more details about the application process for each. Please note that a student will not be enrolled in the clinic until they have been approved for a specific placement by a federal judge who will be supervising the specific externship placement.

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## Federal Courts Clinical Seminar

**Course #:** 3066

**Term:** 2021SP

**Faculty:** Zimmer, David

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Constitutional Law & Civil Rights; Criminal Law and Procedure

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Thu 4:00 PM - 5:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Required Clinic Component: Federal Courts Clinic (2-5 spring clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: None.

By Permission: Yes.

Add/Drop Deadline: N/A - students who enroll in the clinic will be committing for the semester.

This Clinical Seminar accompanies the Federal Courts Clinic. In the Clinic, each student will spend a semester working in the Chambers of a federal judge - usually a court of appeals or district court judge, but also potentially a bankruptcy or magistrate judge.

In the Clinical Seminar, students will share and analyze their experiences in Chambers (to the extent consistent with confidentiality requirements), with the goal of gaining a fuller understanding of overall functioning of the federal courts and the different roles that judges play at different levels in the federal judicial system (as well as the different views different judges have concerning those roles). Students will also discuss the role that clerks/externs do/should play, and other topics concerning the federal judicial system that are raised by the students work.

The Clinical Seminar will be taught (and the Clinic directed) by David Zimmer, a Partner in the Supreme Court and Appellate practice at Goodwin Procter, who clerked at both the U.S. Supreme Court and the Ninth Circuit Court of Appeals, and who has significant experience practicing before all levels of the federal courts.

Please refer to the clinic description for more information about the application process.

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## Federal Courts Clinical Seminar

**Course #:** 3066      **Term:** 2020FA      **Faculty:** Zimmer, David      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law and Procedure

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Thu 5:00 PM - 6:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Federal Courts Clinic (2-5 fall clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: Yes. Applications are due by September 1.  
Add/Drop Deadline: N/A - students who enroll in the clinic will be committing for the semester.

This Clinical Seminar accompanies the Federal Courts Clinic. In the Clinic, each student will spend a semester working in the Chambers of a federal judge - usually a court of appeals or district court judge, but also potentially a bankruptcy or magistrate judge.

In the Clinical Seminar, students will share and analyze their experiences in Chambers (to the extent consistent with confidentiality requirements), with the goal of gaining a fuller understanding of overall functioning of the federal courts and the different roles that judges play at different levels in the federal judicial system (as well as the different views different judges have concerning those roles). Students will also discuss the role that clerks/externs do/should play, and other topics concerning the federal judicial system that are raised by the students work.

The Clinical Seminar will be taught (and the Clinic directed) by David Zimmer, a Partner in the Supreme Court and Appellate practice at Goodwin Procter, who clerked at both the U.S. Supreme Court and the Ninth Circuit Court of Appeals, and who has significant experience practicing before all levels of the federal courts.

Please refer to the clinic description for more information about the application process.

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## Federal Tax Clinic

**Course #:** 8045

**Term:** 2021SP

**Faculty:** Fogg, Keith

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Procedure & Practice; Taxation

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Federal Tax Clinical Seminar (2 spring classroom credits). This clinic and course are bundled - your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: December 4, 2020.

LLM Students: LLM students are eligible to enroll in this clinic.

Placement Site: WilmerHale Legal Services Center (Jamaica Plain).

The Federal Tax Clinic focuses on assisting low income taxpayers who have a dispute with the IRS. For clients who have a corresponding dispute with the Massachusetts Department of Revenue, the clinic will assist them as well. The Clinic's main practice areas are representing taxpayers litigating in the United States Tax Court, engaging in the audit process and enduring the collection phase of the case. In addition to representing taxpayers from the Boston area, the Clinic takes clients from around the country in order to litigate issue of broad impact to the low income taxpayer community. It also comments on regulations and other types of rule-making that will impact this community.

Much of the practice involves working with the IRS as it administers the tax laws. Clinic students work with IRS revenue agents, revenue officers, Appeals Officers, automated call site collection operators and correspondence auditors. No matter which segment of the administrative agency we encounter, the Clinic seeks to provide a voice for the client in a process that can otherwise prove baffling. Students in this clinic gain a lot of direct client experience. Each student usually starts with 4-5 cases representing a variety of the practice areas of the Clinic. The student has primary responsibility for the case and works directly with the client. The supervisors in the Clinic exist to assist and to guide the students as they work with their clients but generally the supervisors have no direct contact with the clients.

Because Congress uses the Internal Revenue Code to deliver benefits through provisions such as the earned income tax credit and the advanced child tax credit, the taxpayers have a significant financial interest in their tax disputes. The benefit payments sometimes equal half of a taxpayer's annual income. Represented clients have a much higher statistical chance of prevailing and thus avoiding deep poverty. The Clinic represents clients so that they can retain these benefits in circumstances in which they might give up rather than fight with the IRS in a process they fail to fully comprehend. Additionally, the Clinic represents clients mired in debt. Each semester, the Clinic assists taxpayer in settling their tax debts with the IRS for a fraction of the amount owed and in some cases writing off hundreds of thousands of dollars. These outcomes can be life changing for some clients.

The Clinic also seeks to give students the opportunity to work on matters of broader impact in the low income taxpayer community.&nbsp;The Clinic regularly argues cases in the Federal Circuit Courts, submits amicus briefs to the Circuit Courts and the Supreme Court and submits comments on regulations and rulings to the IRS.

The seminar component of the Clinic seeks to complement the experience of working directly with the clients. Students work on case simulations, problems and IRS forms in the seminar in order to prepare and reinforce the skills needed for client representation. Almost every week the students prepare a different IRS form in preparation for the seminar class in order to learn about the subject, feel the frustrations clients experience in trying to prepare IRS forms and learn how to advocate within the constraints of a form. The seminar also serves as a place for the students in the class to discuss their cases with fellow

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classmates and work together to figure out the best way to approach difficult case problems.  
For more information on the Tax Clinic, please contact Keith Fogg, (617) 390-2532.

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## Federal Tax Clinic

**Course #:** 8045

**Term:** 2020FA

**Faculty:** Fogg, Keith

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Procedure & Practice; Taxation

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Federal Tax Clinical Seminar (2 fall classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: August 14, 2020.

LLM Students: LLM students may submit an application to this clinic.

Placement Site: WilmerHale Legal Services Center (Jamaica Plain).

The Federal Tax Clinic focuses on assisting low income taxpayers who have a dispute with the IRS. For clients who have a corresponding dispute with the Massachusetts Department of Revenue, the clinic will assist them as well. The Clinic's main practice areas are representing taxpayers litigating in the United States Tax Court, engaging in the audit process and enduring the collection phase of the case. In addition to representing taxpayers from the Boston area, the Clinic takes clients from around the country in order to litigate issues of broad impact to the low income taxpayer community. It also comments on regulations and other types of rule-making that will impact this community.

Much of the practice involves working with the IRS as it administers the tax laws. Clinic students work with IRS revenue agents, revenue officers, Appeals Officers, automated call site collection operators and correspondence auditors. No matter which segment of the administrative agency we encounter, the Clinic seeks to provide a voice for the client in a process that can otherwise prove baffling. Students in this clinic gain a lot of direct client experience. Each student usually starts with 4-5 cases representing a variety of the practice areas of the Clinic. The student has primary responsibility for the case and works directly with the client. The supervisors in the Clinic exist to assist and to guide the students as they work with their clients but generally the supervisors have no direct contact with the clients.

Because Congress uses the Internal Revenue Code to deliver benefits through provisions such as the earned income tax credit and the advanced child tax credit, the taxpayers have a significant financial interest in their tax disputes. The benefit payments sometimes equal half of a taxpayer's annual income. Represented clients have a much higher statistical chance of prevailing and thus avoiding deep poverty. The Clinic represents clients so that they can retain these benefits in circumstances in which they might give up rather than fight with the IRS in a process they fail to fully comprehend. Additionally, the Clinic represents clients mired in debt. Each semester, the Clinic assists taxpayer in settling their tax debts with the IRS for a fraction of the amount owed and in some cases writing off hundreds of thousands of dollars. These outcomes can be life changing for some clients.

The Clinic also seeks to give students the opportunity to work on matters of broader impact in the low income taxpayer community. The Clinic regularly argues cases in the Federal Circuit Courts. In addition to direct client representation on impact cases the clinic also files amicus briefs in the Federal Circuit Courts and the Supreme Court as well as filing responses to proposed regulations and rulings with the IRS.

The seminar component of the Clinic seeks to complement the experience of working directly with the clients. Students work on case simulations, problems and IRS forms in the seminar in order to prepare and reinforce the skills needed for client representation. Almost every week the students prepare a different IRS form in preparation for the seminar class in order to learn about the subject, feel the frustrations clients experience in trying to prepare IRS forms and learn how to advocate within the constraints of a

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form. The seminar also serves as a place for the students in the class to discuss their cases with fellow classmates and work together to figure out the best way to approach difficult case problems. For more information on the Tax Clinic, please contact Keith Fogg, (617) 390-2532.

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## Federal Tax Clinical Seminar

**Course #:** 2822      **Term:** 2020FA      **Faculty:** Fogg, Keith      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice; Taxation

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Federal Tax Clinic (3-5 fall clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course. Additional Co-/Pre-Requisites: None. By Permission: No.Add/Drop Deadline: August 14, 2020. LLM Students: LLM students may submit an application to this clinic.  
Through the Federal Tax Clinical Seminar, students learn the substantive law, procedural context, advocacy skills, and ethical rules necessary for the effective representation of low-income taxpayers before the IRS and in federal court. The seminar will cover an array of topics, including tax practice and procedure at the agency level and in federal court, administrative law, client interviewing, fact investigation, offers in compromise, negotiation, refund litigation, audit reconsideration, innocent spouse defenses, Earned Income Tax Credit (EITC), and evidentiary hearings. The seminar will also consider, through the lens of students clinical experiences, systemic questions about tax policy, anti-poverty policy, and access to justice for low-income taxpayers. Because the Clinic teaches lawyering skills applicable across numerous practice areas, students are encouraged to enroll whether they have an existing interest in tax law and practice or simply seek an immersive law practice experience through which they can learn valuable skills and provide pro bono representation to those in need.

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## Federal Tax Clinical Seminar

**Course #:** 2822      **Term:** 2021SP      **Faculty:** Fogg, Keith      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice; Taxation

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Federal Tax Clinic (3-5 spring clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: LLM students are eligible to enroll in this clinic.  
Through the Federal Tax Clinical Seminar, students learn the substantive law, procedural context, advocacy skills, and ethical rules necessary for the effective representation of low-income taxpayers before the IRS and in federal court. The seminar will cover an array of topics, including tax practice and procedure at the agency level and in federal court, administrative law, client interviewing, fact investigation, offers in compromise, negotiation, refund litigation, audit reconsideration, innocent spouse defenses, Earned Income Tax Credit (EITC), and evidentiary hearings. The seminar will also consider, through the lens of students’ clinical experiences, systemic questions about tax policy, anti-poverty policy, and access to justice for low-income taxpayers. Because the Clinic teaches lawyering skills applicable across numerous practice areas, students are encouraged to enroll whether they have an existing interest in tax law and practice or simply seek an immersive law practice experience through which they can learn valuable skills and provide pro bono representation to those in need.

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## Feminist Legal Theory

**Course #:** 2301      **Term:** 2020FA      **Faculty:** Halley, Janet      **Credits:** 3.00  
**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; International, Comparative & Foreign Law; Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:20 AM - 11:50 AM  
Tue 10:20 AM - 11:50 AM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

Students will write response papers analyzing the reading materials or will take a last-day take-home examination.&nbsp;

This course will examine and compare eight major strands of contemporary North Atlantic feminism: liberal feminism, dominance feminism, cultural feminism, socialist/materialist feminism, economic feminism in a liberal market frame, critical race feminism, postmodern feminism, and the relations between feminism and conservatism. We will read classics in feminist legal theory and case studies allowing us to examine and compare the ways in which various strands of feminism have engaged law and law reform. The goal of this course is to enable each student to make informed decisions about which strands of feminist legal theory work best for them and to give all students a strong understanding of how past stages in the development of feminist legal theory and law reform help to shape contemporary expressions of feminism.

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## Feminist Utopias

**Course #:** 3069      **Term:** 2021SP      **Faculty:** Rosenfeld, Diane      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Family, Gender & Children's Law; Legal & Political Theory; Legal History

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Wed 8:00 PM - 10:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
In this reading group on Feminist Utopias, we explore literature, essays and history of women’s law reform movements through time. What difference will feminist governance make in society? Is it most effective to reform the current system or to imagine-and then build-an alternative one? Students will have the opportunity to develop their own concepts for utopian ideals in a sex-equal society.  
Readings include:  
Herland- Charlotte Perkins Gilman  
The Power-Naomi Alderman  
The Feminist Utopia Project: Fifty-Seven Visions of a Wildly Better Future Alexandra Brodsky and Rachel Kauder Nalebuff (eds.)  
A Room of One’s Own- Virginia Woolf  
The Creation of Feminist Consciousness- Gerda Lerner (excerpts)  
Note: This reading group will meet on the following dates: 2/3, 2/17, 3/3, 3/24, 4/7, 4/21.

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## Financial Analysis and Valuation

**Course #:** 1057

**Term:** 2021WI

**Faculty:** Dharan, Bala

**Credits:** 3.00

**Type:** 1lwinter

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 10:00 AM - 1:50 PM

Tue 10:00 AM - 1:50 PM

Wed 10:00 AM - 1:50 PM

Thu 10:00 AM - 1:50 PM

Fri 10:00 AM - 1:50 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Note: This course is restricted to first-year J.D. students only.

The drop deadline for 1L January Experiential Term classes is December 4, 2020. Students may not drop a course if they do not have an offer to enroll in a different January Experiential Term course.

1L January Experiential Term courses are intensive learning courses. Class attendance is required in each course every day of the term, beginning Tuesday, January 5th. Students should plan accordingly and should not take on other work commitments during the term.

Exam Type: No Exam

Textbook: Analysis for Financial Management, by Higgins, Koski and Mitton, 12th ed. (2019 - US ed.).

Specific reading assignments are listed below. Chapters not listed are not required. The book is available for purchase and rent via the HLS coop website as well as via the publisher's website and online booksellers.

This course will provide students with an opportunity to engage in hands-on, law-related financial analysis and business valuation. Valuing a business requires several foundational skills related to accounting and finance, including an understanding of financial statements, risk and return measurement, forecasting, and discounted cash flow analysis. This course will introduce you to basic terminologies and concepts underlying these skills. No prior background in these topics is required. We will first learn to read basic financial statements; then move to an overview of basic tools of financial statement analysis and finance; then review some common techniques of business valuation; then build information from financial statements into a standard valuation model; then see how practitioners might argue for very different valuations drawing on the same basic financial information. Students will work in teams, and build their knowledge through hands-on experience using case studies of real companies.

The course is designed to be relevant to law students pursuing a variety of careers. Lawyers many areas of practice can expect to be able to use and critically analyze financial statements and business valuations, including corporate lawyers who may advise organizations and design mergers and acquisition or divestment deals, tax lawyers designing tax strategies, commercial litigators, international trade lawyers, family lawyers, constitutional lawyers, and class action lawyers. In fact, lawyers of all kinds, including prosecutors, other government lawyers, and public interest lawyers, use these skills to present and resolve disputes, and to propose, critique and defend regulation of businesses.

Students who enroll in this offering may count the credits towards the JD experiential learning



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requirement. The teaching strategy is designed for this purpose and focuses on hands-on classroom learning experience and in-class discussion of problems and cases. Please pre-read the assigned chapters from the textbook or other assigned readings in advance of class and plan to participate actively during class time as we work through some of the class discussion problems listed in the class schedule. To facilitate class discussion, keep your Zoom video on during class.

Grading: Grading is pass/fail. J term courses are intensive learning courses. Students must attend all sessions (subject to exceptions provided by HLS policies), submit all individual and team-based assignment, and strive to actively participate in class discussions. For team-based work, students will be assigned to teams at the beginning of the course.

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## Financial and Legal Needs of Low and Moderate Income Households

**Course #:** 2176

**Term:** 2021SP

**Faculty:** Charn, Jeanne

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Wed 1:00 PM - 3:00 PM

**Course Description:**

Prerequisites: None

Exam: No Exam

The seminar will examine the opportunities and perils in consumer financial services available to low and moderate income households. We will begin with a survey of (i) sources of unsecured credit (e.g. credit cards, pay-day lenders, check-cashing services); (ii) homeownership as an asset building strategy; (iii) saving rates and policies that encourage saving. With a basic understanding of the financial services landscape, we will explore strategies for providing legal advice and assistance that may enable people to effectively access credit and to build and protect assets. We will focus on assistance for households in crises (such as foreclosure) but we will also consider transactional and preventive services to help people avoid crises. We will explore the role of the solo and small firm bar that serves people of moderate means and on market innovations designed to expand access - for example, pre-paid and legal insurance programs, unbundled legal services, and self-help. We will pay particular attention to technology driven modes of service delivery. We will also look at legal aid in the UK, Europe and Canada where the needs of moderate income people are a main focus of legal aid policy.

In consultation with the course instructor, students will develop a research project that explores in greater depth any topic covered in class meetings. Students may work in pairs or groups and the course research project may satisfy all or part of the J.D. writing requirement.

Students are welcome to contact the course instructor via e-mail ([charn@law.harvard.edu](mailto:charn@law.harvard.edu)) with questions about the course.

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## First Year Legal Research and Writing 1A

**Course #:** 1006

**Term:** 2020FA

**Faculty:** Bronsther, Jacob

**Credits:** 2.00

**Type:** 1lcourse

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 3:30 PM - 5:30 PM

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 1A

**Course #:** 1006

**Term:** 2021SP

**Faculty:** Bronsther, Jacob

**Credits:** 2.00

**Type:** 1lcourse

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement. The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 1B

**Course #:** 1006

**Term:** 2021SP

**Faculty:** Havasy, Christopher

**Credits:** 2.00

**Type:** 1course

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 1B

**Course #:** 1006

**Term:** 2020FA

**Faculty:** Havasy, Christopher

**Credits:** 2.00

**Type:** 1course

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 3:30 PM - 5:30 PM

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 2A

**Course #:** 1006      **Term:** 2020FA      **Faculty:** Gallogly, Owen      **Credits:** 2.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 9:00 AM - 11:00 AM

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 2A

**Course #:** 1006      **Term:** 2021SP      **Faculty:** Gallogly, Owen      **Credits:** 2.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:30 AM - 12:30 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 2B

**Course #:** 1006

**Term:** 2021SP

**Faculty:** Salib, Peter

**Credits:** 2.00

**Type:** 1course

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 10:30 AM - 12:30 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement. The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 2B

**Course #:** 1006

**Term:** 2020FA

**Faculty:** Salib, Peter

**Credits:** 2.00

**Type:** 1course

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 3:30 PM - 5:30 PM

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 3A

**Course #:** 1006      **Term:** 2020FA      **Faculty:** Solow-Niederman, Alicia      **Credits:** 2.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 3:30 PM - 5:30 PM

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 3A

**Course #:** 1006      **Term:** 2021SP      **Faculty:** Solow-Niederman, Alicia      **Credits:** 2.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 3B

**Course #:** 1006

**Term:** 2020FA

**Faculty:** Barrow, Jennifer

**Credits:** 2.00

**Type:** 1lcourse

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 3:30 PM - 5:30 PM

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 3B

**Course #:** 1006

**Term:** 2021SP

**Faculty:** Barrow, Jennifer

**Credits:** 2.00

**Type:** 1lcourse

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement. The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 4A

**Course #:** 1006      **Term:** 2021SP      **Faculty:** Procaccini, Francesca      **Credits:** 2.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 4A

**Course #:** 1006      **Term:** 2020FA      **Faculty:** Procaccini, Francesca      **Credits:** 2.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 3:30 PM - 5:30 PM

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## First Year Legal Research and Writing 4B

**Course #:** 1006

**Term:** 2020FA

**Faculty:** Zubrzycki, Carly

**Credits:** 2.00

**Type:** 1lcourse

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 3:30 PM - 5:30 PM

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 4B

**Course #:** 1006

**Term:** 2021SP

**Faculty:** Zubrzycki, Carly

**Credits:** 2.00

**Type:** 1lcourse

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement. The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## First Year Legal Research and Writing 5A

**Course #:** 1006      **Term:** 2021SP      **Faculty:** Toomey, James      **Credits:** 2.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 5A

**Course #:** 1006      **Term:** 2020FA      **Faculty:** Toomey, James      **Credits:** 2.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 3:30 PM - 5:30 PM

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## First Year Legal Research and Writing 5B

**Course #:** 1006

**Term:** 2020FA

**Faculty:** Winsberg, Sarah

**Credits:** 2.00

**Type:** 1lcourse

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 3:30 PM - 5:30 PM

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 5B

**Course #:** 1006

**Term:** 2021SP

**Faculty:** Winsberg, Sarah

**Credits:** 2.00

**Type:** 1lcourse

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## First Year Legal Research and Writing 6A

**Course #:** 1006

**Term:** 2021SP

**Faculty:** Heikal, Hedayat

**Credits:** 2.00

**Type:** 1course

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement. The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 6A

**Course #:** 1006

**Term:** 2020FA

**Faculty:** Heikal, Hedayat

**Credits:** 2.00

**Type:** 1course

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Fri 9:00 AM - 11:00 AM

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## First Year Legal Research and Writing 6B

**Course #:** 1006

**Term:** 2020FA

**Faculty:** Doyle, Colin

**Credits:** 2.00

**Type:** 1lcourse

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Fri 9:00 AM - 11:00 AM

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 6B

**Course #:** 1006

**Term:** 2021SP

**Faculty:** Doyle, Colin

**Credits:** 2.00

**Type:** 1lcourse

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement. The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## First Year Legal Research and Writing 7A

**Course #:** 1006

**Term:** 2021SP

**Faculty:** Tobin, Susannah

**Credits:** 2.00

**Type:** 1course

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 7A

**Course #:** 1006

**Term:** 2020FA

**Faculty:** Tobin, Susannah

**Credits:** 2.00

**Type:** 1course

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 3:30 PM - 5:30 PM

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## First Year Legal Research and Writing 7B

**Course #:** 1006

**Term:** 2020FA

**Faculty:** Elinson, Gregory

**Credits:** 2.00

**Type:** 1lcourse

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 3:30 PM - 5:30 PM

**Course Description:** The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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## First Year Legal Research and Writing 7B

**Course #:** 1006

**Term:** 2021SP

**Faculty:** Elinson, Gregory

**Credits:** 2.00

**Type:** 1lcourse

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
The First-Year Legal Writing and Research Program (LRW) is a series of exercises introducing students to the way lawyers analyze and frame legal positions in litigation, conduct legal research, and present their work in writing and in oral argument. Students actively learn research and writing skills by preparing initial and final drafts of memoranda and briefs and by becoming familiar with accessing both print and electronic research materials. In the spring, each first-year student is required to participate in the First-Year Ames Moot Court Program as a part of LRW, and to brief and argue a moot appellate case in a team of two. The course meets once a week for two hours or in one-on-one conferences. It carries two academic credits each semester and is graded honors/pass/low pass/fail. First-year law students in the Program are instructed by fourteen Climenko Fellows--promising legal scholars with high academic achievements and a strong interest in pursuing a career in law teaching--as well as by research librarians and upper-class teaching assistants.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Flashpoints in LGBTQ Litigation

**Course #:** 2494      **Term:** 2020FA      **Faculty:** Bonauto, Mary      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam: No Exam

This reading group addresses substantive and strategic issues affecting efforts to obtain and retain legal equality for LGBTQ people in the U.S. The materials will encompass efforts in courts, in legislative bodies (all levels) and public opinion as they are connected. Students will learn the trajectory of progress and opportunities and roadblocks going forward at the state and national levels. Topically, we will address: liberty issues, including autonomy around sexuality; non-discrimination paradigms; offensive and defensive First Amendment issues, including religious exemption/free exercise issues; issues around the standard of review for laws classifying based on sex, sexual orientation and gender identity; family formation, and issues facing youth in schools and in their families; and other current topics.

Note: This reading group will meet on the following dates: 9/9, 9/23, 10/7, 10/21, 11/4, and 11/18.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Food and Drug Law

**Course #:** 2091

**Term:** 2021WI

**Faculty:** Hutt, Peter Barton

**Credits:** 3.00

**Type:** Elective

**Subject Areas:** Government Structure & Function; Health Law; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 9:00 AM - 12:30 PM

Tue 9:00 AM - 12:30 PM

Wed 9:00 AM - 12:30 PM

Thu 9:00 AM - 12:30 PM

Fri 9:00 AM - 12:30 PM

**Course Description:** Prerequisite: None

Exam Type: No Exam

A paper is required.

This course explores the full range of federal regulation of products subject to the jurisdiction of the Food and Drug Administration (FDA). These products include food, human prescription and nonprescription drugs, animal feed and drugs, biologics and blood products, medical devices, and cosmetics, which together comprise approximately 20% of the gross national product. The course examines the public policy choices underlying the substantive law, FDA enforcement power, and agency practice and procedure. The course covers such contemporary issues as protecting against unsafe or mislabeled food, controlling carcinogens, expediting approval of AIDS and cancer drugs, assuring the safety of prescription drugs before and after marketing, importing drugs from abroad, switching drugs from prescription to nonprescription status, balancing the benefits and risks of breast implants, the compassionate use of experimental products, regulating complex new medical device technology, control of such biotechnology techniques as gene therapy, requiring adequate consumer and professional labeling for FDA-regulated products, and the relationship among international, federal, and state regulatory requirements.&nbsp;

Enrollment in this course is limited to fifty-two students. The required course paper may be combined with the Option 1 Written Work Requirement. This applies to students who take the course as a 2L or a 3L. Students who know that they wish to choose this option should e-mail the instructor at [phutt@cov.com](mailto:phutt@cov.com).

Textbook(s):

Hutt et al, Food and Drug Law, 4th ed

Publisher: Foundation

Hutt & Grossman, Food and Drug Law Statutory Supplement, 2019

Publisher: Foundation

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Food Law and Policy

**Course #:** 2359

**Term:** 2020FA

**Faculty:** Broad Leib, Emily

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Health Law; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisites: No prerequisites for JD students. LLM students must seek faculty permission.

Exam Type: No Exam

This seminar will present an overview of topics in food law and policy, and will examine how these laws shape what we eat. In recent years, increasing attention has been paid to a range of issues impacting the food system from farm to fork to landfill. In the past few years, major news stories have covered the U.S. farm bill, labeling of genetically engineered food products, soda taxes, efforts to regulate school meals, and the misleading and unregulated terrain of expiration dates.

In order to better understand these issues and some of their root causes, we will examine food policy via the diverse lenses of farmers, consumers, and corporations, as well as using diverse disciplinary perspectives. Each class will begin with ensuring a shared understanding of the relevant sources of law before delving into policy considerations and discussions of what the law could and should. We will concentrate on food law in the United States, but will also include comparative global perspectives when helpful.

We begin the course by looking at the basic regulation of food, focusing on the history and current issues in rules regarding food safety. We then analyze federal agricultural policy and farm subsidies, and the environmental, health, and safety implications of our agricultural system. The course will cover issues in food labeling, including nutrition information, health claims, GMO labeling, and organic labeling. Students will also examine the role the government plays in determining what foods are consumed, through its Dietary Guidelines, food assistance programs, and other attempts to increase healthy food access or consumption. Finally, we will evaluate a range of existing and potential policy interventions at the federal, state, and local level.

The reading materials will be provided in a course reader and on the course website, and include various book chapters, cases, regulations, news reports, and scholarly articles that present diverse viewpoints on the topics presented. The seminar is intended to spark debate between different sides of these often controversial issues.

The seminar is open to any student interested in food and agricultural policy and its implications on health and the environment, and no background or prerequisites are required. Rather than an examination, students will be required to submit short discussion posts&nbsp;via the online course discussion board; prepare for and participate in in-class role play debates; and write a policy paper that explains a food law problem and recommends a policy change intended to improve the health, nutrition, or environmental outcomes. Grades will be determined on the basis of these written submissions, in-class role plays, and class participation.

Enrollment in the seminar is limited to 22 students and it is open to LLM students by permission.

Some seats are reserved for students in the fall Food Law and Policy clinic. Students who claim a clinical seat in this course will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student in a clinical seat drops the fall Food Law and Policy clinic, they will also lose their reserved seat in this course. Please note that there is an early drop deadline of August 14, 2020 for fall clinical students in this course

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# Harvard Law School Course Catalog

2020-2021 Academic Year

March 28, 2023 3:22 PM

## Food Law and Policy

**Course #:** 2359

**Term:** 2021SP

**Faculty:** Broad Leib, Emily

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Health Law; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Prerequisites: No prerequisites for JD students. LLM students must seek faculty permission.

Exam Type: No Exam

This seminar will present an overview of topics in food law and policy, and will examine how these laws shape what we eat. In recent years, increasing attention has been paid to a range of issues impacting the food system from farm to fork to landfill. In the past few years, major news stories have covered the U.S. farm bill, labeling of genetically engineered food products, soda taxes, efforts to regulate school meals, and the misleading and unregulated terrain of expiration dates.

In order to better understand these issues and some of their root causes, we will examine food policy via the diverse lenses of farmers, consumers, and corporations, as well as using diverse disciplinary perspectives. Each class will begin with ensuring a shared understanding of the relevant sources of law before delving into policy considerations and discussions of what the law could and should. We will concentrate on food law in the United States, but will also include comparative global perspectives when helpful.

We begin the course by looking at the basic regulation of food, focusing on the history and current issues in rules regarding food safety. We then analyze federal agricultural policy and farm subsidies, and the environmental, health, and safety implications of our agricultural system. The course will cover issues in food labeling, including nutrition information, health claims, GMO labeling, and organic labeling. Students will also examine the role the government plays in determining what foods are consumed, through its Dietary Guidelines, food assistance programs, and other attempts to increase healthy food access or consumption. Finally, we will evaluate a range of existing and potential policy interventions at the federal, state, and local level.

The reading materials will be provided in a course reader and on the course website, and include various book chapters, cases, regulations, news reports, and scholarly articles that present diverse viewpoints on the topics presented. The seminar is intended to spark debate between different sides of these often controversial issues.

The seminar is open to any student interested in food and agricultural policy and its implications on health and the environment, and no background or prerequisites are required. Rather than an examination, students will be required to submit short discussion posts via the online course discussion board; prepare for and participate in in-class role play debates; and write a policy paper that explains a food law problem and recommends a policy change intended to improve the health, nutrition, or environmental outcomes. Grades will be determined on the basis of these written submissions, in-class role plays, and class participation.

Enrollment in the seminar is limited to 22 students and it is open to LLM students by permission.

Some seats are reserved for students in the spring Food Law and Policy clinic. Students who claim a clinical seat in this course will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student in a clinical seat drops the spring Food Law and Policy clinic, they will also lose their reserved seat in this course. Please note that there is an early drop deadline of December 4, 2020 for spring clinical students in this course.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Food Law and Policy Clinic of the Center for Health Law and Policy Innovation

**Course #:** 8038

**Term:** 2021SP

**Faculty:** Broad Leib, Emily

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Health Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Students in the spring clinic must enroll in either Food Law and Policy (2 spring classroom credits) or Policy Advocacy Workshop (2 spring classroom credits). Students who enroll in the spring clinic will be enrolled in one of the required courses by the Office of Clinical and Pro Bono Programs. Students are guaranteed a seat in one of these two required courses, but are not guaranteed their first choice. Students enrolled in either course under a clinical seat will lose their seat if they choose to drop the clinic.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: December 4, 2020.

LLM Students: LLM students may apply to this clinic by submitting an application.

Placement Site: HLS.

The Food Law and Policy Clinic (FLPC) provides students with the opportunity to practice using legal and policy tools in order to address the health, environmental, and economic impacts of our food system. The FLPC utilizes substantive expertise in food law and policy and a robust policy skill set to assist clients and communities in understanding and improving the laws impacting the food system. Clinic projects aim to increase access to healthy foods, prevent diet-related diseases, assist small farmers and producers in participating in food markets, and reduce the waste of healthy, wholesome food.

Students enrolled in the Clinic get hands-on learning experience conducting legal and policy research for individuals, communities, and governments on a wide range of food law and policy issues. Students have the opportunity, for example: to comment on major federal regulations, such as the Food and Drug Administration rules impacting food safety on the farm; to identify and draft legislation to reduce the 40% of food that goes to waste in the U.S.; to train and empower food policy councils and other community coalitions to achieve their food system goals; and to research and recommend policies increasing access to healthy food at all levels of government.

Students will develop a variety of transferable skills in areas such as research, writing, creative problem-solving, project management, oral communication, and leadership. In particular, students will have the opportunity to draft memoranda, white papers, and regulatory comments; conduct statutory interpretation; compose legislation and regulations; petition for agency action; conduct interviews and fact-finding; and train communities about civic engagement, the food system, and policy change. Clinic clients are located around the United States, and some students will have the opportunity to travel, as we work closely with partners in New England, as well as places like Mississippi, West Virginia, and Navajo Nation.

For more information about the clinic, please email Professor Broad Leib at [ebroad@law.harvard.edu](mailto:ebroad@law.harvard.edu) or visit our clinic at 1607 Massachusetts Avenue, 4th floor.

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# Harvard Law School Course Catalog

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## Food Law and Policy Clinic of the Center for Health Law and Policy Innovation

**Course #:** 8038

**Term:** 2020FA

**Faculty:** Broad Leib, Emily

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Health Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Food Law and Policy (2 fall classroom credits). Some seats are saved for clinical students. Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs. Students who drop this clinic will also lose their seat in the required class component.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: August 14, 2020.

LLM Students: LLM students may apply to this clinic by submitting an application.

Placement Site: HLS.

The Food Law and Policy Clinic (FLPC) provides students with the opportunity to practice using legal and policy tools in order to address the health, environmental, and economic impacts of our food system. The FLPC utilizes substantive expertise in food law and policy and a robust policy skill set to assist clients and communities in understanding and improving the laws impacting the food system. Clinic projects aim to increase access to healthy foods, prevent diet-related diseases, assist small farmers and producers in participating in food markets, and reduce the waste of healthy, wholesome food.

Students enrolled in the Clinic get hands-on learning experience conducting legal and policy research for individuals, communities, and governments on a wide range of food law and policy issues. Students have the opportunity, for example: to comment on major federal regulations, such as the Food and Drug Administration rules impacting food safety on the farm; to identify and draft legislation to reduce the 40% of food that goes to waste in the U.S.; to train and empower food policy councils and other community coalitions to achieve their food system goals; and to research and recommend policies increasing access to healthy food at all levels of government.

Students will develop a variety of transferable skills in areas such as research, writing, creative problem-solving, project management, oral communication, and leadership. In particular, students will have the opportunity to draft memoranda, white papers, and regulatory comments; conduct statutory interpretation; compose legislation and regulations; petition for agency action; conduct interviews and fact-finding; and train communities about civic engagement, the food system, and policy change. Clinic clients are located around the United States, and some students will have the opportunity to travel, as we work closely with partners in New England, as well as places like Mississippi, West Virginia, and Navajo Nation.

For more information about the clinic, please email Professor Broad Leib at [ebroad@law.harvard.edu](mailto:ebroad@law.harvard.edu) or visit our clinic at 1607 Massachusetts Avenue, 4th floor.

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# Harvard Law School Course Catalog

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## Forced Arbitration

**Course #:** 2809      **Term:** 2020FA      **Faculty:** Gupta, Deepak      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
Over the past several decades, American workers, consumers, patients, and small businesses have increasingly found themselves subject to binding arbitration clauses imposed by large corporations on a take-it-or-leave-it basis. Claims that would previously have been brought in court, often through class actions - discrimination, sexual harassment, wage theft, consumer-protection, or antitrust claims, for example - are now channeled into confidential bilateral arbitration. Or they are simply not brought at all. This rapid rise in forced arbitration represents one of the most profound transformations of the American civil justice system. It has been criticized for inhibiting the development of law, preventing public disclosure of wrongdoing, distorting outcomes in favor of the drafter, suppressing claims, transferring wealth upwards, and replacing democracy with private legislation. On the other hand, proponents of these arbitration clauses (including a majority of the current U.S. Supreme Court) defend them as voluntary arrangements that facilitate a more efficient alternative to costly and burdensome litigation. This seminar will explore the history, theory, doctrine, and politics of forced arbitration. Topics will include the legislative history of the Federal Arbitration Act; the U.S. Supreme Courts jurisprudence interpreting that Act, with a special focus on the use of arbitration to preclude class actions; the implications for contract theory and political theory; the empirical evidence of arbitrations effects; and regulatory, legislative, and collective-action responses. Doctrinally speaking, the course will encompass civil procedure,&nbsp;federal preemption, statutory interpretation, and contract law; some background familiarity with American law in those areas is presumed. The instructor, Deepak Gupta, is a principal at Gupta Wessler PLLC, an appellate boutique in Washington, DC, and a former Senior Counsel at the Consumer Financial Protection Bureau. He has represented consumers, workers, and small merchants in key cases on forced arbitration before the U.S. Supreme Court, including AT&T Mobility v. Concepcion and American Express v. Italian Colors.

Note: This seminar will meet on average of two hours per week.

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# Harvard Law School Course Catalog

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## Foundations of International Arbitration: Theory and Practice (S01)

**Course #:** 2973      **Term:** 2021SP      **Faculty:** Sobota, Luke; Carlson, Hugh      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisites: None  
Exam Type: No Exam  
Through a combination of lectures and in-class simulations, this course will (i) provide an overview of the foundational aspects that arise in the life cycle of an international arbitration; (ii) offer training in advocacy principles and techniques; and (iii) provide significant advocacy experience for students through in-class simulations. Course lectures and simulations will extend to both international commercial arbitration and investment arbitration.  
Students will be graded on in-class participation, simulation performances, and advocacy outlines. There will be no final exam.

Students will have the option of enrolling in Independent Writing credit for an additional scholarly paper.

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# Harvard Law School Course Catalog

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## Foundations of International Arbitration: Theory and Practice (S02)

**Course #:** 2973      **Term:** 2021SP      **Faculty:** Sobota, Luke; Carlson, Hugh      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Procedure & Practice  
**Delivery Mode:** Course  
**Days and Times:**      **Location**  
Tue 8:00 AM - 10:00 AM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisites: None  
Exam Type: No Exam  
Through a combination of lectures and in-class simulations, this course will (i) provide an overview of the foundational aspects that arise in the life cycle of an international arbitration; (ii) offer training in advocacy principles and techniques; and (iii) provide significant advocacy experience for students through in-class simulations. Course lectures and simulations will extend to both international commercial arbitration and investment arbitration.  
Students will be graded on in-class participation, simulation performances, and advocacy outlines. There will be no final exam.

Students will have the option of enrolling in Independent Writing credit for an additional scholarly paper.

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## Framing, Narrative, and Supreme Court Jurisprudence

**Course #:** 3011      **Term:** 2021SP      **Faculty:** Jenkins, Alan      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Legal & Political Theory  
**Delivery Mode:** Seminar  
**Days and Times:**      **Location**  
Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

In this seminar we will examine the ways in which the rhetorical and communications principles of framing and narrative inform U.S. Supreme Court jurisprudence and advocacy. Analyzing opinions, briefs, and oral arguments, as well as legal and social science scholarship, we will consider how different approaches to legal storytelling can lead to differing judicial outcomes. And we will discuss the implications of our findings for the development and integrity of the law.

Class participation and successful completion of written and oral assignments will count for a significant portion of students final grade. Assigned material will include cases, legislation, legal scholarship, social science literature, and mass media works.

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# Harvard Law School Course Catalog

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## Fraud

**Course #:** 2765      **Term:** 2020FA      **Faculty:** Rakoff, Todd      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
Fraud (and its derivatives such as deceit, non-disclosure, and insider trading) is one of the master concepts of the legal universe. It appears in contracts, torts, criminal law, bankruptcy law, securities law, food and drug law, trade law, etc. etc. In this seminar we will start with the common law concept and then trace how it gets adjusted, refined, or left out when new subject matters, new remedies, new procedural settings, and new disclosure techniques are developed. Our inquiry will be jurisprudential; but of course fraud is also an omnipresent concept in legal practice. The instructor will develop and teach the materials for the original common law concept; students, working in groups, will be expected to develop and teach the materials for one or another of frauds more specialized applications.

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## Freedom of Speech Frontiers: Comparative and Global Perspectives

**Course #:** 3020      **Term:** 2020FA      **Faculty:** Minow, Martha; Douek, Evelyn      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None  
  
Exam Type: No Exam  
Students will write one short and one longer paper.  
  
The interconnected and frictionless world of the internet means free expression has unprecedented speed and reach. But in the last few years, there has been a turn against unmitigated openness. Countries—and companies—are creating rules to address new pathologies of the current speech environment. These rules have consequences not only in those individual jurisdictions, but around the world; globalization and global tech platforms make it impossible to understand any single jurisdiction's approach to regulating speech in isolation. This course will explore the new challenges of—and to—freedom of expression in the era of the internet and platforms, and some of the many proposals for meeting those challenges. Students will participate in moot court arguments and simulated hearings on current legal and quasi-legal cases and regulations, potentially including: proposals to reform Section 230 of the Communications Decency Act in the United States; recent global take-down orders from the Court of Justice of the European Union; the UK Online Harms White Paper; the international "Christchurch Call to Action"; to address terrorist and violent extremist content online; proposals for social media companies to adopt international human rights norms as the basis for their rules; and a Facebook Oversight Board hearing on political advertising policy.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Freedom of Speech Frontiers: Comparative and Global Perspectives

**Course #:** 3020      **Term:** 2021SP      **Faculty:** Douek, Evelyn      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 8:00 PM - 10:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam  
Students will write one short and one longer paper.

The interconnected and frictionless world of the internet means speech has unprecedented speed and reach. But the last few years has seen a turn against unmitigated openness, and governance of online speech now stands at an inflection point. Countries-and companies-are creating new laws and rules to address perceived pathologies in the current speech environment. The global nature of the internet and tech platforms mean these rules have consequences not only in individual jurisdictions but around the world, and it is impossible to understand any single jurisdiction’s approach to regulating speech in isolation.

This course will explore the new challenges of-and to-freedom of expression in the era of the internet and platforms, and some of the many proposals for meeting those challenges. The course will examine broader issues around rationales for free speech and how they may or may not need updating for the platform era, as well as specific topics, including hate speech, disinformation and various regulatory and institutional models emerging as possible solutions. Case studies may include section 230 reform proposals, Facebooks Oversight Board, Europes proposed Digital Services Act, Singapores Protection From Online Falsehoods and Manipulation Act, and other topical examples that arise.

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# Harvard Law School Course Catalog

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## From Protest to Law: Triumphs and Defeats in Struggles for Racial Justice, 1950-1970

**Course #:** 2697      **Term:** 2020FA      **Faculty:** Kennedy, Randall      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

**Course Description:** Prerequisite: None

Exam Type: No Exam  
The requirement for the course are five six to eight page papers that react to readings and lectures.

This course will examine changes in law wrought by protests against racial injustice that erupted in the mid twentieth century. The principal topics will include disputes over segregation (see, e.g. Brown v. Board of Education and Loving v. Virginia), invidious private racial discrimination (see, e.g. the Civil Rights Acts of 1964 and 1968), and racial disfranchisement (see e.g. the Voting Rights Act of 1965). Considerable attention will be focused on lawyers and judges who played key roles in the drama of the Second Reconstruction.

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# Harvard Law School Course Catalog

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## Gender Identity, Sexual Orientation, and the Law

**Course #:** 2467      **Term:** 2020FA      **Faculty:** Chen, Alexander      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Family, Gender & Children's Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This course explores the ways in which the law intersects with gender identity and sexual orientation, examining this complex and evolving area of law in the context of a changing judicial and political landscape. Taught by a leading practitioner in the field, this course emphasizes the legal tools and decision-making processes involved in doing pathbreaking civil rights work. Students will gain an insight into the strategic and ethical tradeoffs involved in using the legal and political system to enact societal change.

Topics covered include: overview of gender identity, sexual orientation, and the historical development of LGBTQ+ rights; constitutional and statutory protections based on gender identity and sexual orientation; access to sex-segregated spaces and activities; religion-, speech-, and ethics-based objections; access to health care and reproductive technologies; non-binary and intersex identities; race and intersectional experience; and unique considerations in military, family, and prison litigation./p>

Class materials include: case law, case documents, legislative materials, regulatory materials, press accounts, legal scholarship, and sources from other academic disciplines.

Note: Some seats in this course are reserved for students who are accepted into the LGBTQ+ Advocacy Clinic. Students who are accepted into the clinic will work with the Office of Clinical and Pro Bono Programs to register for this course.

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# Harvard Law School Course Catalog

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## Gender Violence, Law and Social Justice

**Course #:** 2098

**Term:** 2021SP

**Faculty:** Rosenfeld, Diane

**Credits:** 3.00

**Type:** Elective

**Subject Areas:** Family, Gender & Children's Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 1:00 PM - 2:30 PM

Tue 1:00 PM - 2:30 PM

**Course Description:** Prerequisite: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course offers an in-depth examination of the phenomenon of gender-motivated violence. Following a consideration of the prevalence and variation of types of sexual violence and coercion around the world, we consider questions such as: How, if at all, is violence against women different from other types of violence? How effective have legal strategies to address violence against women been, and what shifts in thinking about gender-motivated violence would be necessary finally to eradicate it? How has the #MeToo movement reshaped the possibility of legal reform? How does the toleration of sexual violence shape peoples expectations and sense of entitlements? What are the implications of gender-based violence for the constitutional guarantee of equal protection of the laws? Does equal protection itself have a gendered meaning and reality?

Among the types of violence against women we will consider are: intimate-partner violence; domestic homicide; prostitution; rape; sex trafficking of women and children; and violence against women facilitated by the Internet. The readings consist of primary and secondary materials drawn from several disciplines: law, social science, political science, public health, psychology, evolutionary biology and women and gender studies.

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# Harvard Law School Course Catalog

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## Geoeconomics: Trade, Investment and Security

**Course #:** 3050      **Term:** 2020FA      **Faculty:** Roberts, Anthea      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 3:00 AM - 5:00 AM

**Course Description:** Prerequisites: None

Exam Type: No Exam

In the post-Cold War period, economics and national security were relatively separate realms, both in policymaking and scholarship. But recent years have seen a marked convergence in the economic and security dimensions of policy and regulatory challenges facing many governments including Australia, China, Germany, Japan, Russia, South Korea, the United Kingdom, and the United States. This interdisciplinary course introduces students to the study of geoeconomics, which sits at the intersection of geopolitics, economics, security, law, and technology policy. It explores the way in which major power rivalry is reshaping international trade and investment and their associated legal regimes across domains as diverse as supply chains, export controls, trade tariffs, investment screening, and student visas. It examines changing ideas about the opportunities and vulnerabilities associated with economic interdependence, particularly with respect to critical infrastructure and technology. It uses topical case studies, including economic coercion campaigns and the regulation of 5G networks, to examine the policy trade-offs and governance challenges involved in integrating economic and security considerations.

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# Harvard Law School Course Catalog

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## Geopolitics, Human Rights, and the Future of Statecraft

**Course #:** 2235      **Term:** 2020FA      **Faculty:** Power, Samantha      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law; Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 9:00 AM - 10:15 AM

**Course Description:** Prerequisites: None

Exam Type: Midterm and final, administered through HKS

This course will examine the interplay of geopolitics and human rights, with a focus on how the changing dynamics of the international system are influencing the strategy and statecraft for confronting issues with major security and human consequences. We will probe how such factors as the rise of China, divisions within the U.N., and the challenges facing democracies have shaped international responses to past and present global challenges like climate change, Ebola, and the Syrian civil war. We will also look ahead to potential responses to emerging issues like cyber-interference. The course will use concrete cases to understand the factors behind successful crisis management or mitigation, asking what these lessons portend for the future, and for the actions of governments, NGOs, and activists.

Note: This course is jointly-listed with HKS as IGA-140 and will meet at HKS.

Cross-registration petitions will be processed through HKS; please submit all cross-registration petitions to HKS.

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# Harvard Law School Course Catalog

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## Global Anticorruption Lab

**Course #:** 2646

**Term:** 2020FA

**Faculty:** Stephenson, Matthew

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: Enrollment is limited to 12, and is by permission of the instructor. Interested students should email Professor Stephenson (mstephen@law.harvard.edu); the email should include a current CV and a statement of interest (preferably including one or two topics you might be interested in writing about). Please also indicate whether you intend to enroll in both semesters of the Lab, or only the Fall. (Enrollment in both semesters is not required, but preference will be given to applicants who intend to enroll for the full year.)

Exam Type: No Exam

This course will provide an opportunity for students interested in anticorruption (from legal, social scientific, or policy perspectives) to work on independent research projects in a collaborative, interactive setting. Students will select one or more topics of interest to explore during the semester; we will meet each week to discuss one another's research, and to brainstorm new topics. In lieu of a long final paper or short weekly response papers, students will instead be expected to contribute three substantive posts to the Global Anticorruption Blog. Participants will also be expected to participate in online discussions and debates about other blog entries. Students interested in expanding their research into a full paper may do so for an appropriate number of additional independent writing credits.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Global Anticorruption Lab

**Course #:** 2646      **Term:** 2021SP      **Faculty:** Stephenson, Matthew      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: Enrollment is limited to 12, and is by permission of the instructor. Interested students should email Professor Stephenson (mstephen@law.harvard.edu); the email should include a current CV and a statement of interest (preferably including one or two topics you might be interested in writing about).

Exam Type: No Exam

This course will provide an opportunity for students interested in anticorruption (from legal, social scientific, or policy perspectives) to work on independent research projects in a collaborative, interactive setting. Students will select one or more topics of interest to explore during the semester; we will meet each week to discuss one another's research, and to brainstorm new topics. In lieu of a long final paper or short weekly response papers, students will instead be expected to contribute three substantive posts to the Global Anticorruption Blog. Participants will also be expected to participate in online discussions and debates about other blog entries. Students interested in expanding their research into a full paper may do so for an appropriate number of additional independent writing credits.

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# Harvard Law School Course Catalog

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## Global Governance

**Course #:** 2100      **Term:** 2020FA      **Faculty:** Sikkink, Kathryn      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 10:30 AM - 11:45 AM

Thu 4:30 PM - 5:45 PM

**Course Description:** Prerequisites: None  
Exam Type: No HLS Exam

This course focuses on the interplay among states, international organizations, multinational corporations, civil society organizations, and activist networks in global governance. Global governance refers to the capacity within the international system to provide services and public goods. But to get to that point, global governance also must involve framing new issues, setting agendas, creating norms, building capacity, setting standards, and resolving disputes. Our cases are drawn from a broad range of issue areas, including health challenges such as COVID-19, economic relations, human rights, peace and security, and the environment. The objective is to better understand the dynamics and evolution of formal and informal global governance arrangements and what difference they make. In a major case in the class, for example, we will try to understand why there wasn't better or more global governance in response to the Coronavirus? The course uses cases, role-playing, and simulations to help students learn how to work with international law to promote global justice.

Note: This course is jointly-listed with HKS as IGA-103.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Global Governance

**Course #:** 2100      **Term:** 2020FA      **Faculty:** Sikkink, Kathryn      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 10:30 AM - 11:45 AM

Thu 10:30 AM - 11:45 AM

**Course Description:** Prerequisites: None  
Exam Type: No HLS Exam

This course focuses on the interplay among states, international organizations, multinational corporations, civil society organizations, and activist networks in global governance. Global governance refers to the capacity within the international system to provide services and public goods. But to get to that point, global governance also must involve framing new issues, setting agendas, creating norms, building capacity, setting standards, and resolving disputes. Our cases are drawn from a broad range of issue areas, including health challenges such as COVID-19, economic relations, human rights, peace and security, and the environment. The objective is to better understand the dynamics and evolution of formal and informal global governance arrangements and what difference they make. In a major case in the class, for example, we will try to understand why there wasn't better or more global governance in response to the Coronavirus? The course uses cases, role-playing, and simulations to help students learn how to work with international law to promote global justice.

Note: This course is jointly-listed with HKS as IGA-103.

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# Harvard Law School Course Catalog

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## Global Justice Workshop

**Course #:** 3035      **Term:** 2020FA      **Faculty:** Blum, Gabriella; Goldberg, John      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 3:00 PM - 5:00 PM

**Course Description:** Prerequisites: There are no prerequisites for this workshop, but it is intended for students with a strong academic bent.

Exam: No Exam

This workshop will involve reading, discussing, and critiquing scholarly works broadly relating to the theme of Global Justice. Among the topics we will address are distributive justice across national boundaries; state responsibility for the international consequences of domestic policy decisions; and comparisons between legal and moral responsibilities among states and among individuals. The focus will be on the doctrinal and theoretical aspects of these questions rather than hands-on practice. Some sessions will involve presentations by scholars who are invited to speak to the workshop.

Students will be required to submit four brief reflection papers commenting on works that are presented in or assigned for class, and will also be expected to raise questions in discussions with invited speakers. The final grade will take account of class participation. All students wishing to take the class, including those on the waitlist or considering adding it, must attend the first session.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Global Law

**Course #:** 2101      **Term:** 2020FA      **Faculty:** Kennedy, David      **Credits:** 4.00  
**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law; Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

Tue 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD international/comparative requirement.  
Prerequisites: None  
Exam Type: Last Class Take-Home  
This course explores laws role in global affairs. We will examine the history of ideas, legal doctrines, institutional and administrative structures intended to organize and legalize international economic and political life. The readings will provide a common background for exploring and comparing efforts both to remake the world and re-imagine law. As we analyze our inheritance from that tradition, we will assess recent efforts to rethink laws role in light of twenty first century political, economic and cultural challenges.

Textbook(s):  
OPTIONAL  
David Kennedy, The Dark Sides of Virtue: Reassessing International Humanitarianism, Princeton University Press (2005)  
David Kennedy, Of War and Law, Princeton University Press (2006)  
David Kennedy, A World of Struggle: How Power, Law, and Expertise Shape Global Political Economy, Princeton University Press (2016)

# Harvard Law School Course Catalog

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## Governing Digital Technology

**Course #:** 2433      **Term:** 2021SP      **Faculty:** Zittrain, Jonathan      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment;  
International, Comparative & Foreign Law; Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

**Course Description:** Prerequisite: This is a JD 1L only offering.  
  
Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course offers a rigorous introduction to the field of cyberlaw. We will investigate the evolving nature of online architecture and activities, and the ways in which, law has been, and will be, leveraged to influence them.

Course themes include the complex interaction between Internet governance organizations and sovereign states, the search for balance between the ease of disseminating information online and the interest of copyright holders, privacy advocates, and others in controlling that dissemination, and the roles of intermediaries and platforms in shaping what people can and cannot do online. The course will entail an intense array of learning and teaching methods. Students will be expected to participate in a variety of activities. May include Berkman Klein Center fellows and affiliates.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Government Lawyer

**Course #:** 2103      **Term:** 2020FA      **Faculty:** Wroblewski, Jonathan      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Government Structure & Function; Legal Profession, Legal Ethics & Professional Responsibility; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Government Lawyer: U.S. Attorney Clinic (fall or spring semester). Students who are accepted into this clinic will be enrolled in the clinic and clinical seminar by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: Yes. Applications to the clinic are due April 10, 2020.  
Add/Drop Deadline: May 11, 2020 for fall students; August 31, 2020 for spring students.

Exam Type: No Exam. A paper will be required in lieu of an examination.  
The course will examine the role and responsibilities of the prosecutor, with a particular focus on federal prosecutors.   The course will consider questions concerning the politics of prosecution, the role of the prosecutor in the adversarial system (and whether that system is the best for achieving justice), and the autonomy and discretion of the prosecutor.   We will look at policy issues that arise around prosecution, as well as those issues individual prosecutors face in their work.   Some specific topics that will be addressed will include prosecutorial ethics; disclosure and discovery issues; pretrial publicity; investigations (including use of the grand jury); sentencing; federalization of crime; and dealing with informants, cooperators, and victims.   We will consider these issues in the context of different areas of criminal prosecution, including white-collar crime, organized crime, urban violence, and terrorism.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Government Lawyer: Attorney General Clinic

**Course #:** 8015

**Term:** 2020FA

**Faculty:** Tierney, James

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Government Structure & Function; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: The Role of the State Attorney General (2 fall classroom credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs.

If a student drops the clinic, they will also lose their seat in the required course. Additional

Co-/Pre-Requisites: None. By Permission: No. Add/Drop Deadline: August 14, 2020. LLM Students:

International students on F-1 student visas are required to have Curricular Practical Training (CPT)

authorization; LL.M. students are not eligible for CPT. Placement Site: Various externship placements at the Massachusetts AG Office.

The State Attorney General Clinic offers students an opportunity to work with the Office of the Massachusetts Attorney Generals Office. Clinical students responsibilities will include writing and research work pertinent to the division in which they are placed. Assignments will often include research and drafting memos and briefs. Students are placed in various divisions including:

Criminal Bureau (Appeals Division, Cybercrime Division, Enterprise and Major Crimes Division, Environmental Crimes Strike Force, Public Integrity Division)

Government Bureau (Trial Division)

Public Protection Bureau (Civil Rights Division, Health Care Division, Consumer Protection, Environmental Protection Division)

Students must enroll for a minimum of 4 clinical credits (16 hours per week) and must have at least one full day available in their schedules to spend at the Attorney Generals Office. Remaining hours may be completed as half-days (or additional full days). Most offices are open Monday-Friday from 9am-5pm.

The Office of the Attorney General in Massachusetts does not allow students to participate in the Tenant Advocacy Project, Prison Legal Assistance Project or Harvard Defenders while in the AG Clinic. Other activities or employment may also not be allowed.

Please contact the Office of Clinical and Pro Bono Programs for more information about this clinic (clinical@law.harvard.edu or 617-495-5202).

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Government Lawyer: Attorney General Clinic

**Course #:** 8015

**Term:** 2021SP

**Faculty:** Tierney, James

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Government Structure & Function; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: The Role of the State Attorney General (2 fall classroom credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs.

If a student drops the clinic, they will also lose their seat in the required course. Additional

Co-/Pre-Requisites: None. By Permission: No. Add/Drop Deadline: August 31, 2020. LLM Students:

International students on F-1 student visas are required to have Curricular Practical Training (CPT)

authorization; LL.M. students are not eligible for CPT. Placement Site: Various externship placements at the Massachusetts AG Office.

The State Attorney General Clinic offers students an opportunity to work with the Office of the Massachusetts Attorney Generals Office. Clinical students responsibilities will include writing and research work pertinent to the division in which they are placed. Assignments will often include research and drafting memos and briefs. Students are placed in various divisions including:

Criminal Bureau (Appeals Division, Cybercrime Division, Enterprise and Major Crimes Division, Environmental Crimes Strike Force, Public Integrity Division)

Government Bureau (Trial Division)

Public Protection Bureau (Civil Rights Division, Health Care Division, Consumer Protection, Environmental Protection Division)

Students must enroll for a minimum of 4 clinical credits (16 hours per week) and must have at least one full day available in their schedules to spend at the Attorney Generals Office. Remaining hours may be completed as half-days (or additional full days). Most offices are open Monday-Friday from 9am-5pm.

The Office of the Attorney General in Massachusetts does not allow students to participate in the Tenant Advocacy Project, Prison Legal Assistance Project or Harvard Defenders while in the AG Clinic. Other activities or employment may also not be allowed.

Please contact the Office of Clinical and Pro Bono Programs for more information about this clinic (clinical@law.harvard.edu or 617-495-5202).

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Government Lawyer: Attorney General Clinic

**Course #:** 8015

**Term:** 2021WI

**Faculty:** Tierney, James

**Credits:** 2.00

**Type:** Clinic

**Subject Areas:** Government Structure & Function; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: The Role of the State Attorney General (2 fall classroom credits). Students who enroll in this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs.

If a student drops the clinic, they will also lose their seat in the required course. Additional

Co-/Pre-Requisites: None. By Permission: No. Add/Drop Deadline: August 31, 2020. LLM Students:

International students on F-1 student visas are required to have Curricular Practical Training (CPT)

authorization; LL.M. students are not eligible for CPT. Placement Site: Various externship placements at AG offices throughout the country during winter term.

The State Attorney General Clinic during the winter term offers students an opportunity to work in state attorney general offices around the country. Clinic work is full-time over winter term and care will be taken to place students in both states and divisions that meet their professional goals, although particular placements are not guaranteed. Winter term placements in 2019 were involved in various divisions of State AG offices: environment, criminal trials and appeals, human trafficking, civil defense, opinions and consumer protection. Students are placed in offices across the country for a three week period. Some financial support is available to assist with transportation and lodging.

Students may continue their winter work remotely from HLS during the spring term.

The Office of the Attorney General in Massachusetts does not allow students to participate in the Tenant Advocacy Project, Prison Legal Assistance Project or Harvard Defenders while in the AG Clinic. Other activities or employment may also not be allowed.

Please contact the Office of Clinical and Pro Bono Programs for more information about this clinic (clinical@law.harvard.edu or 617-495-5202).

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Government Lawyer: Semester in Washington Clinic

**Course #:** 8016      **Term:** 2021WS      **Faculty:** Wroblewski, Jonathan      **Credits:** 10.00

**Type:** Clinic      **Subject Areas:** Government Structure & Function; Procedure & Practice; Regulatory Law

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Government Lawyer: Semester in Washington Clinical Seminar (3 spring classroom credits). Students who are accepted into the clinic will be enrolled in both the clinic and clinical seminar by the Office of Clinical and Pro Bono Programs.

Additional Co-/Pre-Requisites: None.

By Permission: Yes. Applications are due August 21, 2020.

Add/Drop Deadline: November 13, 2020.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Multi-Semester: This is a winter-spring clinic (2 winter clinical credits + 8 spring clinical credits.)

Placement Site: Various externship placements in Washington D.C.

Students spend the entire winter and spring terms (except for spring break) in Washington, D.C. working as legal interns in one of a variety of federal offices while taking an evening seminar course (twice a week during the spring) on government lawyering. Students are required to work full-time over the winter term (40 hours per week) and at least 32 hours per week in the spring term, although most work full-time during the spring term as well. Clinical work exposes students to the distinct forms of lawyering practiced by government attorneys in diverse policy positions in the federal government. Placements are principally in federal government offices where lawyers conduct research and provide legal advice and assistance on policy, legislative or regulatory matters, rather than investigating and litigating cases. Placements in past years have included the House and Senate Judiciary Committees, the Departments of Justice and State, the White House Counsels Office, the Central Intelligence Agency, and the Federal Communications Commission. Placements are coordinated by the clinic director, Jonathan Wroblewski, in consultation with students. Students admitted to the clinic will meet individually with the clinic director to discuss their areas of interest and placement possibilities. Every effort will be made so that students find placements to meet their interests. During the clinic, the director will be available to meet one-on-one with students to discuss their ongoing work experience and progress.

Given the nature of government office hiring and the timing of security clearances, it is possible that placements may not be finalized until after committing to this clinic. Every effort is made so students find a placement in his or her interest area.

This option is for the winter and spring clinic. There is also a separate spring only clinic option. To get an inside view of the Program, students may visit the Semester in Washington page on the OCP website, which contains detailed information about the current years syllabus, course requirements, events, funding, housing, placements, etc.

Enrollment is by application and limited to 2L and 3L students. Students must be enrolled full-time at Harvard Law School to apply. Interested students can apply by submitting an application form, current resume, and a writing sample of no more than 10 pages. Apply through an online application form by August 21, 2020.

Students should be aware of their yearly HLS credit minimums, as the winter and spring semesters are spent entirely off campus (student will receive 2 winter clinical credits + 8 spring clinical credits + 3 spring course credits for a total of 13 winter and spring semester credits).

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Government Lawyer: Semester in Washington Clinic

**Course #:** 8016

**Term:** 2021SP

**Faculty:** Wroblewski, Jonathan

**Credits:** 8.00

**Type:** Clinic

**Subject Areas:** Government Structure & Function; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Government Lawyer: Semester in Washington Clinical Seminar (3 spring classroom credits). Students who are accepted into the clinic will be enrolled in both the clinic and clinical seminar by the Office of Clinical and Pro Bono Programs.

Additional Co-/Pre-Requisites: None.

By Permission: Yes. Applications are due August 21, 2020.

Add/Drop Deadline: December 4, 2020.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Placement Site: Various externship placements in Washington D.C.

Students spend the entire spring term (except for spring break) in Washington, D.C. working as legal interns in one of a variety of federal offices while taking an evening seminar course (twice a week during the term) on government lawyering. Students are required to work at least 32 hours a week in the spring term, although most work full-time. Clinical work exposes students to the distinct forms of lawyering practiced by government attorneys in diverse policy positions in the federal government. Placements are principally in federal government offices where lawyers conduct research and provide legal advice and assistance on policy, legislative or regulatory matters, rather than investigating and litigating cases.

Placements in past years have included the House and Senate Judiciary Committees, the Departments of Justice and State, the White House Counsels Office, the Central Intelligence Agency, and the Federal Communications Commission. Placements are coordinated by the clinic director, Jonathan Wroblewski, in consultation with students. Students admitted to the clinic will meet individually with the clinic director to discuss their areas of interest and placement possibilities. Every effort will be made so that students can find placements to meet their interest. During the clinic, the director will be available to meet one-on-one with students to discuss their ongoing work experience and progress.

Given the nature of government office hiring and the timing of security clearances, it is possible that placements may not be finalized until after committing to this clinic. Every effort is made so students can find a placement in his or her interest area.

This option is for the spring clinic. There is also a separate winter-spring clinic option, where students also spend the Winter Term in Washington, D.C. working full-time at their placement offices.

To get an inside view of the Program, students may visit the Semester in Washington page on the OCP website, which contains detailed information about the current years syllabus, course requirements, events, funding, housing, placements, etc.

Enrollment is by application and limited to 2L and 3L students. Students must be enrolled full-time at Harvard Law School to apply. Interested students can apply by submitting an application form, current resume, and a writing sample of no more than 10 pages. Apply through an online application form by August 21, 2020.

Students should be aware of their yearly HLS credit minimums, as the spring semester is spent entirely off campus (student will receive 8 spring clinical credits + 3 spring course credits for a total of 11 spring semester credits).

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# Harvard Law School Course Catalog

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## Government Lawyer: Semester in Washington Clinical Seminar

**Course #:** 2104      **Term:** 2021SP      **Faculty:** Wroblewski, Jonathan      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Legal Profession, Legal Ethics & Professional Responsibility; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this course may count the credits towards the JD professional responsibility requirement.  
Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Government Lawyer: Semester in Washington Clinic, either during winter-spring (2 winter clinical credits + 8 spring clinical credits) or spring clinic (8 spring clinical credits). Students who are accepted into one of these two clinic offerings (winter-spring or spring) will be enrolled in the clinic and clinical seminar by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: Yes. Applications to the clinic are due August 21, 2020.  
Add/Drop Deadline: November 13, 2020 for winter-spring clinical students. December 4, 2020 for spring clinical students.  
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.  
This course is offered as part of the Government Lawyer: Semester in Washington Clinic. Students spend the entire spring term (except for spring break) in Washington, D.C. working as legal interns in one of a variety of federal offices while taking an evening course on government lawyering. Students may also begin the clinical work in the winter term. Students are required to work full-time (40 hours per week) over the winter term (if they begin their clinical placement then) and at least 32 hours per week in the spring term, although most students work full-time in the spring term. Clinical work exposes students to the distinct forms of lawyering practiced by government attorneys in diverse policy positions in the federal government. Placements are principally in federal government offices where lawyers conduct research and provide legal advice and assistance on policy, legislative or regulatory matters, rather than investigating and litigating cases.  
Students attend the evening seminar course twice a week during the spring term. Readings and classroom discussions will be supplemented by guest speaker events and visits to government offices on several occasions throughout the semester. Case studies will supplement the core readings. The course will focus on the role of the government lawyer in policymaking and the many forces that influence the work of policymaking generally, and the government lawyers part in that process specifically. The course will examine the skills required of government attorneys in policymaking, the unique ethical, legal, and moral issues they face, and the impact of politics and ideology on their work. The course will explore the role of think tanks and interest groups on policymaking, how these organizations have proliferated in Washington over time, and how their work and their influence have changed. The course will look at the discourse in policymaking in Washington, whether and why it has changed, and the implications of the state of discourse for the government lawyer involved in policymaking, legal advice, and advocacy. Finally, the course will explore the process of policymaking, the use of data and research in policymaking, and the role of the bureaucracy. The course will include student discussions of their experiences in their clinical placements. Students will be required to come to class prepared to discuss relevant elements of their work. Guest speakers, including government lawyers, issue advocates, and think tank scholars, will visit the class periodically throughout the semester. Students will be expected to research the background of the guests and participate in class interviews to explore their work. The course may also include visits to government offices to examine, for example, how data used in the policymaking process is actually collected and synthesized. A course paper relating to the students work or to classroom subjects will be

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required in lieu of an examination.

To get an inside view of the Program, students may visit the Semester in Washington page on the OCP website, which contains detailed information about the current years syllabus, course requirements, events, funding, housing, placements, etc.

Enrollment is by application and limited to 2L and 3L students. Students must be enrolled full-time at Harvard Law School to apply. Interested students can apply by submitting an application form, current resume, and a writing sample of no more than 10 pages. Apply through an online application form by August 21, 2020.

Students should be aware of their yearly HLS credit minimums, as the spring semester is spent entirely off campus (student will receive 8 spring clinical credits + 3 spring course credits for a total of 11 spring semester credits). &nbsp;Students who begin their clinical placement in the winter term receive an additional two winter clinical credits).

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## Government Lawyer: United States Attorney Clinic

**Course #:** 8017

**Term:** 2021SP

**Faculty:** Wroblewski, Jonathan

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Criminal Law and Procedure; Government Structure & Function; Legal Profession, Legal Ethics & Professional Responsibility; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Government Lawyer (2 fall classroom credits). Students who are accepted into this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs. &nbsp;If a student drops the clinic, they will also lose their seat in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: Yes - applications are due April 10, 2020.  
Add/Drop Deadline: August 31, 2020.  
LLM Students: LLM students are not eligible to enroll.  
Placement Site: Various externship placements at the U.S. Attorneys office in Boston.  
This clinic must be taken for 5 clinical credits (20 hours per week).  
Students must attend a mandatory training session during the first week of classes.  
The Government Lawyer clinic allows students to examine firsthand the roles and responsibilities of a federal prosecutor. &nbsp;Students are placed at the United States Attorneys Office in Boston.  
&nbsp;Work may include research, writing, trial and witness preparation, and attending depositions, hearings, and trials. &nbsp;The U.S. Attorneys Office offers placements in the following criminal divisions:

Appeals Unit: The Appeals Unit is responsible for reviewing and approving all appellate briefs before they are filed.  
Anti-Terrorism and National Security Unit: The Anti-Terrorism and National Security Unit handles anti-terrorism investigations, those involving breaches of national security.  
Computer Crimes Unit: Investigates and prosecutes computer related crimes, including hacking, identity theft and other forms of computer fraud.  
Economic Crimes Unit: The Economic Crimes Unit handles complex economic crimes expected to require grand jury or other investigative effort.  
Health Care Fraud Unit: The Health Care Fraud Unit investigates and prosecutes complex health care fraud committed by corporate and individual defendants.  
Major Crimes Unit: The Major Crimes Unit handles violent crime, property crimes, fraud, theft, civil rights violations, and other matters of primary federal interest.  
Organized Crime Drug Enforcement Task Force: Drug Unit cases range from "buy/bust" prosecution to sophisticated money laundering prosecution.  
Organized Crime Strike Force: The organized crime unit handles complex long term matters, utilizing extensive grand jury and electronic surveillance, often using statutes such as RICO.  
Public Corruption and Special Prosecution Unit: The Public Corruption Unit handles sensitive cases involving allegations of corruption against elected and appointed federal, state, and local officials.

Important: All students must be U.S. citizens and complete a lengthy security clearance process by the Department of Justice, which involves numerous forms and fingerprinting. &nbsp;This process takes between 8-10 weeks for final clearance, which is then valid for only six months. &nbsp;This clearance process is not just a formality, and in some instances clearance has been delayed or denied. &nbsp;This process is coordinated between the Office of Clinical and Pro Bono Programs and the Human Resources department of the U.S. Attorney's Office.

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Students should have at least one full day available in their schedules for clinical work, and the additional hours worked must be for at least 5 hours at a time (20 hours per week is required). &nbsp;Most offices are open Monday-Friday from 9am-5pm.

Applications are due April 10, 2020 to Maggie Bay ([mbay@law.harvard.edu](mailto:mbay@law.harvard.edu)). Applications should include a resume and a statement of interest no longer than 250 words. Accepted students will be enrolled in the clinic and the required fall course component by the Office of Clinical and Pro Bono Programs.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Government Lawyer: United States Attorney Clinic

**Course #:** 8017

**Term:** 2020FA

**Faculty:** Wroblewski, Jonathan

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Criminal Law and Procedure; Government Structure & Function; Legal Profession, Legal Ethics & Professional Responsibility; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Government Lawyer (2 fall classroom credits). Students who are accepted into this clinic will be enrolled in the required course by the Office of Clinical and Pro Bono Programs. If a student drops the clinic, they will also lose their seat in the required course.

Additional Co-/Pre-Requisites: None.

By Permission: Yes - applications are due April 10, 2020.

Add/Drop Deadline: May 11, 2020.

LLM Students: This clinic is not available to LLM students.

Placement Site: Various externship placements at the U.S. Attorneys office in Boston.

This clinic must be taken for 5 clinical credits (20 hours per week).

Students must attend a mandatory training session during the first week of classes.

The Government Lawyer clinic allows students to examine firsthand the roles and responsibilities of a federal prosecutor. &nbsp;Students are placed at the United States Attorneys Office in Boston.

&nbsp;Work may include research, writing, trial and witness preparation, and attending depositions, hearings, and trials. &nbsp;The U.S. Attorneys Office offers placements in the following criminal divisions:

Appeals Unit: The Appeals Unit is responsible for reviewing and approving all appellate briefs before they are filed.

Anti-Terrorism and National Security Unit: The Anti-Terrorism and National Security Unit handles anti-terrorism investigations, those involving breaches of national security.

Computer Crimes Unit: Investigates and prosecutes computer related crimes, including hacking, identity theft and other forms of computer fraud.

Economic Crimes Unit: The Economic Crimes Unit handles complex economic crimes expected to require grand jury or other investigative effort.

Health Care Fraud Unit: The Health Care Fraud Unit investigates and prosecutes complex health care fraud committed by corporate and individual defendants.

Major Crimes Unit: The Major Crimes Unit handles violent crime, property crimes, fraud, theft, civil rights violations, and other matters of primary federal interest.

Organized Crime Drug Enforcement Task Force: Drug Unit cases range from "buy/bust" prosecution to sophisticated money laundering prosecution.

Organized Crime Strike Force: The organized crime unit handles complex long term matters, utilizing extensive grand jury and electronic surveillance, often using statutes such as RICO.

Public Corruption and Special Prosecution Unit: The Public Corruption Unit handles sensitive cases involving allegations of corruption against elected and appointed federal, state, and local officials.

Important: All students must be U.S. citizens and complete a lengthy security clearance process by the Department of Justice, which involves numerous forms and fingerprinting. This process takes between 8-10 weeks for final clearance, which is then valid for only six months. This clearance process is not just a formality, and in some instances clearance has been delayed or denied. &nbsp;This process is coordinated between the Office of Clinical and Pro Bono Programs and the Human Resources department of the U.S. Attorneys Office.

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Students should have at least one full day available in their schedules for clinical work, and the additional hours worked must be for at least 5 hours at a time (20 hours per week is required). Most offices are open Monday-Friday from 9 a.m.-5 p.m.

Applications are due April 10, 2020 to Maggie Bay ([mbay@law.harvard.edu](mailto:mbay@law.harvard.edu)). Applications should include a resume and a statement of interest no longer than 250 words. Accepted students will be enrolled in the clinic and the required fall course component by the Office of Clinical and Pro Bono Programs.

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## Great Cases of the Supreme Court

**Course #:** 2208      **Term:** 2020FA      **Faculty:** Greenaway, Joseph      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Legal History

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None. Basic knowledge of constitutional law preferred but not required.

Exam Type: No Exam

Students will be required to submit a short (1 or 2-page) paper on a great SCOTUS case that we have not covered in the class by the end of the semester.

What makes a case great? Why do some cases take on a life of their own, requiring study and comment from every angle by generation after generation of lawyers, law professors, law students and students of the Supreme Court? In this reading group, we shall focus on great cases over the course of the history of the Court - Marbury, Brown, Roe v. Wade, Miranda, and others. The predominant focus will be to discuss the historical context surrounding these cases and dissect them in a manner that will inform their role in the Courts history. The majority of the readings will be the cases.

Note: This reading group will meet on the following dates: 10/1, 10/8, 10/15, 10/29, 11/5, 11/12

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## Harvard Dispute Systems Design Clinic

**Course #:** 8019

**Term:** 2021SP

**Faculty:** Viscomi, Rachel

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic may fulfill the HLS JD pro bono requirement depending on project assignment. Please contact the Office of Clinical and Pro Bono Programs ([clinical@law.harvard.edu](mailto:clinical@law.harvard.edu)) for more information.

Required Class Component: Dispute Systems Design Clinical Seminar (1 spring classroom credit). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites:None.

Add/Drop Deadline: December 4, 2020.

LLM Students: LLM students may apply to this clinic by submitting an application.

Placement Site: HLS.

Students in the Harvard Dispute Systems Design Clinic advise clients on how they can more effectively engage conflict within an organization. Students may assist an organization in conducting a conflict assessment, designing a dispute resolution system, assessing an ongoing set of dispute management processes, or resolving a current conflict or series of conflicts. Students will learn skills that may include conducting interviews for stakeholder assessments, facilitating learning dialogues, running focus groups, leading teams, and presenting to clients. Past clients include federal and state agencies, nonprofits, religious organizations, transnational corporations, small start-up companies, professional sports teams, municipalities, local government officials, and universities.

Students in the clinic will have the chance to manage senior level client relationships and are asked to work through difficult concepts and problems directly with clients and their clinical supervisor. Students work in a team of 2 to 4 students, typically collaborating on single project for one client during the entire semester. By working for a single client, students have the unique chance to collaborate on a project from start to finish. For a listing of current and past clinic clients, please visit our website.&nbsp;

If you have questions about the clinic, feel free to email Tracy Blanchard at [tblanchard@law.harvard.edu](mailto:tblanchard@law.harvard.edu).

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# Harvard Law School Course Catalog

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## Harvard Dispute Systems Design Clinic

**Course #:** 8019

**Term:** 2020FA

**Faculty:** Viscomi, Rachel

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic may fulfill the HLS JD pro bono requirement depending on project assignment. Please contact the Office of Clinical and Pro Bono Programs ([clinical@law.harvard.edu](mailto:clinical@law.harvard.edu)) for more information.

Required Class Component:&nbsp; Dispute Systems Design Clinical Seminar (1 fall classroom credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: Negotiation Workshop. Students must have completed the Negotiation Workshop to enroll in this fall clinic.

Add/Drop Deadline: August 14, 2020.

LLM Students: Due to the pre-requisite, LLM students are not eligible to enroll.

Placement Site: HLS.

Students in the Harvard Dispute Systems Design Clinic advise clients on how they can more effectively engage conflict within an organization. Students may assist an organization in conducting a conflict assessment, designing a dispute resolution system, assessing an ongoing set of dispute management processes, or resolving a current conflict or series of conflicts. Students will augment the skills and concepts learned in Negotiation Workshop with a new set of skills that may include conducting interviews for stakeholder assessments, facilitating learning dialogues, running focus groups, leading teams, and presenting to clients. Past clients include federal and state agencies, nonprofits, religious organizations, transnational corporations, small start-up companies, professional sports teams, municipalities, local government officials, and universities.

Students in the clinic will have the chance to manage senior level client relationships and are asked to work through difficult concepts and problems directly with clients and their clinical supervisor. Students work in a team of 2 to 4 students, typically collaborating on single project for one client during the entire semester. By working for a single client, students have the unique chance to collaborate on a project from start to finish. For a listing of current and past clinic clients, please visit our website.&nbsp; 

If you have questions about the clinic, feel free to email Tracy Blanchard at [tblanchard@law.harvard.edu](mailto:tblanchard@law.harvard.edu).

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# Harvard Law School Course Catalog

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## Harvard Immigration and Refugee Clinic

**Course #:** 8020

**Term:** 2021SP

**Faculty:** Ardalan, Sabrineh

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Human Rights; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Strategic Litigation and Immigration Advocacy (2 spring classroom credits).  
Students who enroll in this clinic will be enrolled in the required clinical course component by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application. International LLM students on F-1 student visas cannot be placed at GBLS.  
Placement Site: Either HLS or GBLS (downtown Boston).  
For thirty years, the Harvard Immigration and Refugee Clinic (HIRC), in partnership with Greater Boston Legal Services (GBLS), has focused on direct representation of individuals applying for U.S. asylum and related relief, as well as representation of individuals who have survived domestic violence and other crimes and/or who seek avoidance of forced removal in immigration proceedings (i.e., VAWA, U-visas, Cancellation of Removal, Temporary Protected Status, etc.). HIRC is also involved in appellate and policy advocacy at the local, national, and international levels.  
HIRC students take the lead in representing clients from all over the world who are seeking protection from being returned to human rights abuses in their country of origin, protection from exile after years of living in the United States, or reunification with their families. About forty students are placed each year with HIRC either at Harvard or at its partner clinic, Greater Boston Legal Services, Bostons oldest legal services organization (located in downtown Boston). Students are encouraged to sign up for either sixteen and twenty hours per week (4-5 clinical credits).  
Students who have taken the course "Emerging Issues in Refugee Protection: The Representation of Child Asylum Seekers" may request a clinical seminar waiver by contacting the clinic directly.

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# Harvard Law School Course Catalog

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## Harvard Immigration and Refugee Clinic

**Course #:** 8020      **Term:** 2020FA      **Faculty:** Anker, Deborah      **Credits:** 5.00  
**Type:** Clinic      **Subject Areas:** Human Rights; International, Comparative & Foreign Law; Procedure & Practice  
**Delivery Mode:** Clinic  
**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Immigration and Refugee Advocacy (2 fall classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application. International LLM students on F-1 student visas cannot be placed at GBLS.  
Placement Site: Either HLS or GBLS (downtown Boston).  
For thirty years, the Harvard Immigration and Refugee Clinic (HIRC), in partnership with Greater Boston Legal Services (GBLS), has focused on direct representation of individuals applying for U.S. asylum and related relief, as well as representation of individuals who have survived domestic violence and other crimes and/or who seek avoidance of forced removal in immigration proceedings (i.e., VAWA, U-visas, Cancellation of Removal, Temporary Protected Status, etc.). HIRC is also involved in appellate and policy advocacy at the local, national, and international levels.  
HIRC students take the lead in representing clients from all over the world who are seeking protection from being returned to human rights abuses in their country of origin, protection from exile after years of living in the United States, or reunification with their families. About forty students are placed each year with HIRC either at Harvard or at its partner clinic, Greater Boston Legal Services, Bostons oldest legal services organization (located in downtown Boston). Students typically work between sixteen and twenty hours per week (4-5 clinical credits).  
Students who have taken the course "Emerging Issues in Refugee Protection: The Representation of Child Asylum Seekers" may request a clinical seminar waiver by contacting the clinic directly.

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# Harvard Law School Course Catalog

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## Harvard Legal Aid Bureau 2L

**Course #:** 8000

**Term:** 2020FS

**Faculty:** Caramello, Esme

**Credits:** 8.00

**Type:** Clinic

**Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Introduction to Advocacy: Ethics and Skills in Clinical Practice (1 fall classroom credit + 1 winter classroom credit + 1 spring classroom credit). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: Evidence and TAW. Students must enroll in Evidence during the fall of their 2L year and in TAW during the winter of their 2L year. Enrollment in Evidence and TAW is separate from clinic enrollment.  
By Permission: Yes. Applications are due to the clinic by March 25, 2020.  
Add/Drop Deadline: May 1, 2020 (except for students also applying to Law Review or the Board of Student Advisors).  
LLM Students: LLM students are not eligible to enroll.  
Multi-Semester: This is a fall-spring clinic (3 fall clinical credits + 1 winter clinical credit + 4 spring clinical credits).  
Placement Site: HLS.  
This clinic has a mandatory orientation from approximately August 16-23.  
The Harvard Legal Aid Bureau is a student-run civil legal aid organization composed of approximately 50 second and third year Harvard Law School students who provide free civil legal services to a diverse population of low-income clients in the Greater Boston area. Students are supervised by practicing attorneys with extensive public interest and private practice experience, who train students, accompany them to court, provide strategic advice, and assist in case management. The Bureau specializes in four major areas of practice: housing law, including evictions and housing discrimination; family law, including divorce, child custody, paternity, visitation, support, and Special Immigrant Juvenile Status issues; fair wage law, including nonpayment or underpayment of wages; and government benefits law, including appeals of the denial or termination of unemployment or social security disability benefits. Because the Bureau is student-run, students take the lead in setting organizational policy and exploring potential new areas or modes of practice. Enrollment is by application during the spring of the students 1L year; participants commit to at least 20 hours per week of clinic work for the following two academic years.

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# Harvard Law School Course Catalog

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## Harvard Legal Aid Bureau 3L

Course #: 8010	Term: 2020FS	Faculty: Caramello, Esme	Credits: 8.00
Type: Clinic	Subject Areas: Family, Gender & Children's Law; Procedure & Practice		
Delivery Mode: Clinic			
Days and Times:	Location		

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Class Component: Advanced Clinical Practice (1 fall classroom credit + 1 spring classroom credit).  
This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: Harvard Legal Aid Bureau 2L.  
By Permission: Yes. This clinic is only open to students who have completed HLAB in their 2L year.  
Add/Drop Deadline: None.  
LLM Students: LLM students are not eligible to enroll.  
Multi-Semester: This is a fall-spring clinic (4 fall clinical credits + 4 spring clinical credits).  
Placement Site: HLS.  
The Harvard Legal Aid Bureau is a student-run civil legal aid organization composed of approximately 50 second and third year Harvard Law School students who provide free civil legal services to a diverse population of low-income clients in the Greater Boston area. Students are supervised by practicing attorneys with extensive public interest and private practice experience, who train students, accompany them to court, provide strategic advice, and assist in case management. The Bureau specializes in four major areas of practice: housing law, including evictions and housing discrimination; family law, including divorce, child custody, paternity, visitation, support, and Special Immigrant Juvenile Status issues; fair wage law, including nonpayment or underpayment of wages; and government benefits law, including appeals of the denial or termination of unemployment or social security disability benefits. Because the Bureau is student-run, students take the lead in setting organizational policy and exploring potential new areas or modes of practice. Enrollment is by application during the spring of the students 1L year; participants commit to at least 20 hours per week of clinic work for the following two academic years.

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# Harvard Law School Course Catalog

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## Health Care Rights in the Twenty-First Century

**Course #:** 2989      **Term:** 2020FA      **Faculty:** Costello, Kevin; Shachar, Carmel      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Health Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisites: None

Exam Type: No Exam

The COVID-19 pandemic has emphasized the importance of our health care system, including questions of resource allocation, access to care, and rapid mobilization. Underlying our response to the new health landscape is the fundamental question whether Americans enjoy a basic entitlement to health care. This course will briefly trace the history of the American conception of health care rights through the last half-century of administrative and political cycles. We will contrast a diverse array of ideological perspectives over this progression to understand the context of the current climate. Building on this background, we will consider a broad range of rights-affording sources across the landscape of the modern American health care system: Federal civil rights statutes; the laws and agreements that govern public and private health insurance arrangements; data privacy and ownership rights; and other state and federal statutes that govern health care consumers, insurers, institutions and spending. We will also consider negative rights in the context of the now defunct individual mandate of the Affordable Care Act. We will place congressional and common law health care rights provisions in the broader context of civil rights jurisprudence, including anti-discrimination regimes. We will evaluate new health care proposals, including Medicare for All and other plans supported by presidential hopefuls. We will also trace the shift in access to care as our health care system responded to a once in a lifetime pandemic. Applying a lens of civil rights and enforcement to these sources of law, we will consider differing avenues available to achieve enforcement of health care rights, including through administrative and policy-based advocacy, as well as more formalized litigation. The seminar is designed to be limited lecture, incorporating debates, role-plays, and other interactive sessions. Class participation is expected. The seminar will culminate in a student project arising from the course materials. Students will have the option of further honing their health care rights skills by participating in the Health Law and Policy Clinic in conjunction with this seminar. The seminar will appeal to law students interested in working across the spectrum of the health care field generally, to those interested in the intersection between law and health care, and to those who aspire to be civil rights lawyers. Some seats are reserved for students in the fall Health Law and Policy clinic. If a student drops the fall Health Law and Policy clinic, they will also lose their reserved seat in this course. Please note that this course has an early drop deadline for students enrolled in reserved clinical seats.

# Harvard Law School Course Catalog

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**Health Law and Policy Clinic of the Center for Health Law and Policy Innovation**

**Course #: 8033**

**Term:** 2020FA

**Faculty:** Greenwald, Robert

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Health Law: Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

### Location

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Students in the fall clinic must enroll in either Public Health Law and Policy (2 fall classroom credits) OR Health Care Rights in the Twenty-First Century (2 fall classroom credits).

Students who enroll in the fall clinic will be enrolled in one of the required courses by the Office of Clinical and Pro Bono Programs.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: August 14, 2020.

LLM Students: LLM students may apply to this clinic by submitting an application.

Placement Site: HLS.

Students enrolled in the Health Law and Policy Clinic will work on cutting-edge legislative, regulatory and litigation projects at the state and national levels aimed at increasing access to quality, comprehensive health care for low-income individuals and families. Student projects involve: informing current debate on health reform efforts; providing law and policy analysis to national and state coalitions advocating to protect Medicaid, Medicare and discretionary health and public health programs; investigating best practices for initiatives to address health disparities and reduce barriers to health care for our most vulnerable populations; and litigating to address unfair and discriminatory public and private health insurance practices.

National level work involves advising government actors and leading chronic illness and disability partnerships to promote health and public health reform initiatives. State level work allows students the opportunity to travel to facilitate trainings and meetings and to support advocacy and litigation strategy development on a broad range of current health and public health concerns. (See the clinic website at [www.chlpi.org](http://www.chlpi.org) for a more in-depth description of current clinic projects.)

Over the course of a semester, students gain a wealth of hands-on experience in current and emerging health law and policy issues, and develop written products such as fact sheets, in-depth reports, comment letters, testimony, presentations, draft legislation, regulatory guidance and litigation-oriented document production. Students have the opportunity to develop a range of problem-solving, policy analysis, research and writing, oral communication, advocacy and leadership skills.

Students who would like to participate in the clinic must enroll through clinical registration. Clinical placements are available for 3, 4, or 5 clinical credits. Students who enroll in the clinic will also be enrolled in the required seminar (Public Health Law and Policy or Health Care Rights in the Twenty-First Century, 2 fall classroom credits) by the Office of Clinical and Pro Bono Programs. Their enrollment in this seminar is dependent on their clinical enrollment (should they drop the clinic, they will also be dropped from the seminar).

For more information about the clinic please email Professor Robert Greenwald at [rgreenwa@law.harvard.edu](mailto:rgreenwa@law.harvard.edu) or visit our clinical suite in 1607 Mass Ave, 4th Floor.

# Harvard Law School Course Catalog

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## Health Law and Policy Clinic of the Center for Health Law and Policy Innovation

**Course #:** 8033      **Term:** 2021SP      **Faculty:** Greenwald, Robert      **Credits:** 5.00

**Type:** Clinic      **Subject Areas:** Health Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Students in the spring clinic must enroll in either Public Health Law and Policy (2 spring classroom credits) or Policy Advocacy Workshop (2 spring classroom credits). Students who enroll in the spring clinic will be enrolled in one of the required courses by the Office of Clinical and Pro Bono Programs. Students are guaranteed a seat in one of these two required courses. Students enrolled in either course under a clinical seat will lose their seat if they choose to drop the clinic.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: HLS.  
Students enrolled in the Health Law and Policy Clinic will work on cutting-edge legislative, regulatory and litigation projects at the state and national levels aimed at increasing access to quality, comprehensive health care for low-income individuals and families. Student projects involve: informing current debate on health reform efforts; providing law and policy analysis to national and state coalitions advocating to protect Medicaid, Medicare and discretionary health and public health programs; investigating best practices for initiatives to address health disparities and reduce barriers to health care for our most vulnerable populations; and litigating to address unfair and discriminatory public and private health insurance practices.  
National level work involves advising government actors and leading chronic illness and disability partnerships to promote health and public health reform initiatives. State level work allows students the opportunity to travel to facilitate trainings and meetings and to support advocacy and litigation strategy development on a broad range of current health and public health concerns. (See the clinic website at [www.chlpi.org](http://www.chlpi.org) for a more in-depth description of current clinic projects.)  
Over the course of a semester, students gain a wealth of hands-on experience in current and emerging health law and policy issues, and develop written products such as fact sheets, in-depth reports, comment letters, testimony, presentations, draft legislation, regulatory guidance and litigation-oriented document production. Students have the opportunity to develop a range of problem-solving, policy analysis, research and writing, oral communication, advocacy and leadership skills.  
Students who would like to participate in the clinic must enroll through clinical registration. Clinical placements are available for 3, 4, or 5 clinical credits. Students who enroll in the clinic will also be enrolled in one of the two required seminars by the Office of Clinical and Pro Bono Programs. Enrollment in either seminar is dependent on your clinical enrollment (should you drop the clinic, you will also be dropped from the seminar).  
For more information about the clinic please email Professor Robert Greenwald at [rgreenwa@law.harvard.edu](mailto:rgreenwa@law.harvard.edu) or visit our clinical suite in 1607 Mass Ave, 4th Floor

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# Harvard Law School Course Catalog

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## Health Law, Policy, Bioethics, and Biotechnology Workshop

**Course #:** 2652

**Term:** 2020FA

**Faculty:** Cohen, I. Glenn

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Health Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:**

Prerequisites: None

Exam Type: No Exam

This seminar will feature the presentation and discussion of cutting edge scholarship on health law, health policy, biotechnology and bioethics. The evaluation mechanism is that students must submit brief written comments on a number of the papers during the course. Because the papers are different every term, students can take the class as many times as they wish. Presenters will come from a wide range of disciplines and departments, and papers may feature doctrinal, economics, philosophical, political science, or other methods, but students need not have prior training in these disciplines.

To determine whether this workshop is a good fit for their interests, students are encouraged to browse the listing of papers presented in past years that can be found here:

<http://petrieflom.law.harvard.edu/events/by-type/category/workshops>

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# Harvard Law School Course Catalog

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## Hedge and Private Equity Funds: Law and Policy

**Course #:** 2768

**Term:** 2020FA

**Faculty:** Mital, Manish

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 3:00 PM - 5:00 PM

**Course Description:** Prerequisite: None required; preferred that students have already completed Corporations or at a minimum are taking contemporaneously with this course.

Exam: Please refer to the Fall 2020 Tentative Exam Schedule

Private fund strategies (namely hedge funds and private equity funds and related investment vehicles) are at the center of many of the most pressing current issues in corporate and financial law. Funds drive industry transformations and undergird market efficiency but also continually attempt to exploit loopholes in the current regulatory and tax regime.

The goal of this course will be to develop understanding of what these private funds are, why they exist, why they are structured the way they are, who the real end beneficiaries are of fund strategies, the role these funds play in play in broader economic markets and the financial services industry, and the fault lines these funds expose in regulatory, tax, and market structures.

The course will begin by introducing and defining private funds. The first part of the class will then examine the main structural issues relating to and the historical, legal, and policy underpinnings of such funds' organization, operations, investors, and investments. The second part of the class will scrutinize the relationships and intersections between funds and their counterparties, the marketplace, the broader financial services industry, and regulation and policy makers, paying particular attention to positive and negative externalities of fund strategies. The course will conclude with a macro perspective on the future of the fund industry and the role of advisors serving it.

Through reading materials, course discussions, negotiation exercises, and guest lectures, students will gain insight into the perspective of fund managers, advisors to these managers and their funds, investors in such funds, those who transact with such funds, and those who regulate the fund industry. Sessions will be an interactive mix of lectures, class discussions, and negotiation exercises; a number of sessions will feature guests with particular industry expertise.

The primary readings for the course will be More Money than God by Sebastian Mallaby, The New Tycoons by Jason Kelly, The Big Short by Michael Lewis, and proprietary private fund agreements and documentation provided by leading private fund practices.

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## HLAB: Spanish for Public Interest Lawyers

**Course #:** 2281      **Term:** 2020FA      **Faculty:** Summers, Nicole      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Mon 11:00 AM - 12:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisites: This reading group is by application and only open to members of the Harvard Legal Aid Bureau. Please contact Nicole Summers with any questions.  
The goal of this course is to prepare students to communicate effectively in Spanish with Limited English Proficient Spanish-speaking legal aid clients. Students will be introduced to legal terminology and will become familiar with the substantive vocabulary applicable to HLAB’s core areas of practice, including housing, benefits, and family law. At the same time, a primary objective of the course is to prepare students to communicate with clients about complex legal issues and processes in terms clients will understand. To achieve this objective, the course will be organized around particular client interactions that legal aid lawyers encounter, such as conducting an intake interview, discussing settlement, and preparing an affidavit. The course will be taught in Spanish and will consist of paired, small group and class-wide discussions; role-playing; games; and some writing and listening activities. The course will also include some translation exercises.

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# Harvard Law School Course Catalog

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## Housing Law and Policy

**Course #:** 2270      **Term:** 2021SP      **Faculty:** Caramello, Esme; Lawrence, Eloise      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Family, Gender & Children's Law; Government Structure & Function; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
This course will provide an introduction to U.S. housing law and policy with a focus on low- and moderate-income tenants and homeowners. We will examine the state of public housing and federal housing subsidies; code enforcement; foreclosures and neighborhood stabilization; gentrification and displacement; affordable housing development; fair housing and racial segregation; and evictions and access to justice. The class will draw on students personal and professional experiences as well as the perspectives of a variety of housing professionals - from developers to tenant organizers to judges and government officials - who will appear as guest speakers. Through this course, students will develop the background necessary to understand and evaluate the various strategies that housing advocates and activists are using &ndash; or might use &ndash; to promote housing justice in the United States. The course is appropriate for students pursuing graduate work in other disciplines, including government, design, education, and business, and cross-registrants are welcomed.

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# Harvard Law School Course Catalog

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## Housing Law Clinic

**Course #:** 8034      **Term:** 2020FA      **Faculty:** McDonagh, Maureen      **Credits:** 5.00

**Type:** Clinic      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Housing Law Clinical Seminar (2 fall classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020.  
LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.  
Placement Site: WilmerHale Legal Services Center (Jamaica Plain).  
As part of a broad coalition of legal services providers and community organizers, The Housing Clinic represents low-income tenants who are facing eviction and at risk of homelessness. Students defend evictions and prosecute affirmative cases to improve housing conditions and prevent utilities terminations. Students engage very actively in client interviewing and counseling, fact investigation, pre-trial discovery (including the taking and defending of depositions), negotiation, and motion practice, as well as trying cases in court. Students also have the opportunity to engage in community lawyering and mobilization efforts with long term community partners and to work on legislative and other law reform initiatives. Students participate in a Boston Bar Association Attorney for the Day Program and offer "game day" advice to unrepresented litigants in Housing Court on the day of the litigants hearing or trial. As eviction cases are first scheduled by rule on Thursday mornings, students find it helpful if they are available for clinic work on Thursdays (from around 8:30 to 1:00) as many opportunities arise through the Attorney for the Day Program to argue contested motions and negotiate live client cases.  
Housing Clinic students may also participate in the Housing Justice for Survivors Project which represents tenants who are survivors of domestic violence and sexual assault. Housing Justice for Survivors clients may be facing loss of housing as a result of abuse, or may need to quickly relocate to safer alternative housing. Students provide trauma-informed representation to survivors facing housing instability as a result of abuse in a variety of different settings including: housing court, housing authority/administrative proceedings, and affirmative cases.  
The clinic is part of the Legal Services Center (LSC), a general practice community law office in the Jamaica Plain neighborhood of Boston. LSCs diverse clinics provide clinical instruction to second- and third-year law students and serve as a laboratory for the innovative delivery of legal services. Students are taught and mentored under the supervision and guidance of clinic directors, instructors and fellows and have an opportunity to meet students and advocates working in many areas of the law.  
For more information on the Clinic, contact Lecturer/Clinic Director Maureen McDonagh, [mcdonagh@law.harvard.edu](mailto:mcdonagh@law.harvard.edu).

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# Harvard Law School Course Catalog

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## Housing Law Clinic

**Course #:** 8034      **Term:** 2021SP      **Faculty:** McDonagh, Maureen      **Credits:** 5.00

**Type:** Clinic      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Housing Law Clinical Seminar (2 spring classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.  
Placement Site: WilmerHale Legal Services Center (Jamaica Plain).  
As part of a broad coalition of legal services providers and community organizers, The Housing Clinic represents low-income tenants who are facing eviction and at risk of homelessness. Students defend evictions and prosecute affirmative cases to improve housing conditions and prevent utilities terminations. Students engage very actively in client interviewing and counseling, fact investigation, pre-trial discovery (including the taking and defending of depositions), negotiation, and motion practice, as well as trying cases in court. Students also have the opportunity to engage in community lawyering and mobilization efforts with long term community partners and to work on legislative and other law reform initiatives. Students participate in a Boston Bar Association Attorney for the Day Program and offer "game day" advice to unrepresented litigants in Housing Court on the day of the litigants hearing or trial. As eviction cases are first scheduled by rule on Thursday mornings, students find it helpful if they are available for clinic work on Thursdays (from around 8:30 to 1:00) as many opportunities arise through the Attorney for the Day Program to argue contested motions and negotiate live client cases.  
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The clinic is part of the Legal Services Center (LSC), a general practice community law office in the Jamaica Plain neighborhood of Boston. LSCs diverse clinics provide clinical instruction to second- and third-year law students and serve as a laboratory for the innovative delivery of legal services. Students are taught and mentored under the supervision and guidance of clinic directors, instructors and fellows and have an opportunity to meet students and advocates working in many areas of the law.  
For more information on the Clinic, contact Lecturer/Clinic Director Maureen McDonagh, [mcdonagh@law.harvard.edu](mailto:mcdonagh@law.harvard.edu).

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# Harvard Law School Course Catalog

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## Housing Law Clinical Workshop

**Course #:** 2199      **Term:** 2021SP      **Faculty:** McDonagh, Maureen; Devanthery, Julia      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Housing Law Clinic (3-5 spring clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.  
The Housing Law Clinical Workshop provides students, who are enrolled in the Legal Services Centers Housing Law Clinic, with the practical skills and substantive knowledge necessary to effectively advocate for tenants in and out of the courtroom. Objectives of the course include: understanding the statutes, cases and rules applicable in foreclosure and housing law cases; enhancing student understanding of the professional roles, values and ethics involved in the practice of law; developing practical lawyering skills (such as interviewing clients, negotiating settlements, arguing motions, and introducing evidence); and analyzing and proposing advocacy approaches to contemporary housing law issues. A large part of the workshop is hands-on and group-oriented; students engage in small and large-group exercises and discussions. Throughout the course, we work on a hypothetical case from the initial client interview through the final disposition of the case. In addition, students will prepare a memorandum and conduct a presentation on one of their ongoing active cases at the Legal Services Center and will lead class discussion on the case. There is no final examination or paper for this course. Students will be evaluated based on their preparation for and participation in class exercises and discussions, especially in student led case rounds discussions. This workshop is a required component for students working in the Housing Law Clinic of the Legal Services Center.  
As eviction cases are first scheduled by rule on Thursday mornings, students find it helpful if they are available for clinic work on Thursdays (from around 8:30 to 1:00) as many opportunities arise through the Attorney for the Day Program to argue contested motions and negotiate live client cases in Court. For more information on the Clinic, contact Lecturer/Clinical Instructor Maureen McDonagh, [mcdonagh@law.harvard.edu](mailto:mcdonagh@law.harvard.edu).

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Housing Law Clinical Workshop

**Course #:** 2199      **Term:** 2020FA      **Faculty:** McDonagh, Maureen; Devanthery, Julia      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Housing Law Clinic (3-5 fall clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020.  
LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.  
The Housing Law Clinical Workshop provides students, who are enrolled in the Legal Services Centers Housing Law Clinic, with the practical skills and substantive knowledge necessary to effectively advocate for tenants in and out of the courtroom. Objectives of the course include: understanding the statutes, cases and rules applicable in foreclosure and housing law cases; enhancing student understanding of the professional roles, values and ethics involved in the practice of law; developing practical lawyering skills (such as interviewing clients, negotiating settlements, arguing motions, and introducing evidence); and analyzing and proposing advocacy approaches to contemporary housing law issues. A large part of the workshop is hands-on and group-oriented; students engage in small and large-group exercises and discussions. Throughout the course, we work on a hypothetical case from the initial client interview through the final disposition of the case. In addition, students will prepare a memorandum and conduct a presentation on one of their ongoing active cases at the Legal Services Center and will lead class discussion on the case. There is no final examination or paper for this course. Students will be evaluated based on their preparation for and participation in class exercises and discussions. This workshop is a required component for students working in the Housing Law Clinic of the Legal Services Center.  
As eviction cases are first scheduled by rule on Thursday mornings, students find it helpful if they are available for clinic work on Thursdays (from around 8:30 to 1:00) as many opportunities arise through the Attorney for the Day Program to argue contested motions and negotiate live client cases in Court.  
For more information on the Clinic, contact Lecturer/Clinical Instructor Maureen McDonagh, [mcdonagh@law.harvard.edu](mailto:mcdonagh@law.harvard.edu).

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# Harvard Law School Course Catalog

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## Human Rights Advocacy

**Course #:** 2510      **Term:** 2020FA      **Faculty:** Crowe, Anna; Lindstrom, Beatrice      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: International Human Rights Clinic (3-5 fall clinical credits). Students enrolled in the fall clinic must enroll in either this clinical seminar or Armed Conflict and Humanitarian Protection (2 fall classroom credits). Students are not guaranteed their first choice of clinical seminars. Clinical seminar selection and enrollment occurs once a student has enrolled in the fall clinic and is orchestrated by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020.  
LLM Students: LLM students may apply to the clinic by submitting an application.  
Human rights norms and discourse are employed widely by advocates around the world in their struggles for social justice. This course explores what it means to be a human rights advocate, whether one is engaged in debates over U.S. policy at home and abroad, the role of corporations in alleged violations, or the role of rights in times of transitions from conflict.  
Through case studies and simulations, this seminar examines the various dimensions and limitations of human rights advocacy, including strategic, ethical, and tactical challenges. What are the different ways that human rights can be used? In developing strategies for meaningful change, how do advocates decide which tactics to use and when? The goal is for students to develop core advocacy skills while thinking critically about their work. To that end, the seminar engages seriously with the major critiques and dilemmas faced by human rights advocates, in particular by lawyer-advocates from the Global North. The seminar also grapples with the limits of established approaches of the movement such as litigation, naming and shaming, and explores community lawyering and human rights. How do we engage without perpetuating power differentials along geopolitical, class, race, gender, and other lines? How do we find ways to work in collaboration with directly affected communities and movements? In addition to case studies, students workshop and reflect on their participation in supervised clinical projects, which include fact-finding investigations, media work, negotiations, advocacy, and litigation. Critical reflection will not be the end, but rather the means to find responsible ways of advancing justice.  
A fall clinical practice component is required of all students. Clinical placements are with the International Human Rights Clinic.

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# Harvard Law School Course Catalog

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## Human Rights Advocacy

**Course #:** 2510      **Term:** 2021SP      **Faculty:** Waheedi, Salma      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: International Human Rights Clinic (3-5 fall clinical credits). Clinical seminar enrollment occurs once a student has enrolled in the spring clinic and is orchestrated by the Office of Clinical and Pro Bono Programs. Additional Co-/Pre-Requisites: None. By Permission: No. Add/Drop Deadline: December 4, 2020. LLM Students: LLM students may apply to the clinic by submitting an application.  
Human rights norms and discourse are employed widely by advocates around the world in their struggles for social justice. This course explores what it means to be a human rights advocate, whether one is engaged in debates over U.S. policy at home and abroad, the role of corporations in alleged violations, or the role of rights in times of transitions from conflict. Through case studies and simulations, this seminar examines the various dimensions and limitations of human rights advocacy, including strategic, ethical, and tactical challenges. What are the different ways that human rights can be used? In developing strategies for meaningful change, how do advocates decide which tactics to use and when? The goal is for students to develop core advocacy skills while thinking critically about their work. To that end, the seminar engages seriously with the major critiques and dilemmas faced by human rights advocates, in particular by lawyer-advocates from the Global North. The seminar also grapples with the limits of established approaches of the movement such as litigation, naming and shaming, and explores community lawyering and human rights. How do we engage without perpetuating power differentials along geopolitical, class, race, gender, and other lines? How do we find ways to work in collaboration with directly affected communities and movements? In addition to case studies, students workshop and reflect on their participation in supervised clinical projects, which include fact-finding investigations, media work, negotiations, advocacy, and litigation. Critical reflection will not be the end, but rather the means to find responsible ways of advancing justice.  
A spring clinical practice component is required of all students. Clinical placements are with the International Human Rights Clinic.

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# Harvard Law School Course Catalog

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## Human Rights Advocacy

**Course #:** 2510      **Term:** 2021SP      **Faculty:** Ossom, Aminta      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: International Human Rights Clinic (3-5 fall clinical credits). Clinical seminar enrollment occurs once a student has enrolled in the spring clinic and is orchestrated by the Office of Clinical and Pro Bono Programs. Additional Co-/Pre-Requisites: None. By Permission: No. Add/Drop Deadline: December 4, 2020. LLM Students: LLM students may apply to the clinic by submitting an application.  
Human rights norms and discourse are employed widely by advocates around the world in their struggles for social justice. This course explores what it means to be a human rights advocate, whether one is engaged in debates over U.S. policy at home and abroad, the role of corporations in alleged violations, or the role of rights in times of transitions from conflict. Through case studies and simulations, this seminar examines the various dimensions and limitations of human rights advocacy, including strategic, ethical, and tactical challenges. What are the different ways that human rights can be used? In developing strategies for meaningful change, how do advocates decide which tactics to use and when? The goal is for students to develop core advocacy skills while thinking critically about their work. To that end, the seminar engages seriously with the major critiques and dilemmas faced by human rights advocates, in particular by lawyer-advocates from the Global North. The seminar also grapples with the limits of established approaches of the movement such as litigation, naming and shaming, and explores community lawyering and human rights. How do we engage without perpetuating power differentials along geopolitical, class, race, gender, and other lines? How do we find ways to work in collaboration with directly affected communities and movements? In addition to case studies, students workshop and reflect on their participation in supervised clinical projects, which include fact-finding investigations, media work, negotiations, advocacy, and litigation. Critical reflection will not be the end, but rather the means to find responsible ways of advancing justice.  
A spring clinical practice component is required of all students. Clinical placements are with the International Human Rights Clinic.

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# Harvard Law School Course Catalog

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## Human Rights and Humanitarianism through the Lens of Documentary Film

**Course #:** 2983

**Term:** 2021SP

**Faculty:** Cohen, Rebecca Richman

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Disciplinary Perspectives & Law; Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Tue 5:00 PM - 8:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This reading group will examine how visual representations affect the theory and practice of human rights advocacy and humanitarian efforts. Using both film screenings and written texts, we will examine the role of documentary storytelling and imagery in the human rights movement and the continued interconnectedness of media and advocacy in some of todays most pressing human rights issues. How have representations of human suffering simultaneously informed and reformed the social meanings we ascribe to them? This course will explore the visual representations that directly affect public recognition of rights and wrongs.

Note: This reading group will meet on the following dates: 1/26, 2/2, 2/9, 2/16, 2/23, 3/2. Additional time also reserved for viewing films.

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# Harvard Law School Course Catalog

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## Human Rights and International Law

**Course #:** 2423      **Term:** 2020FA      **Faculty:** Neuman, Gerald      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD international/comparative requirement.  
Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course examines critically what it means to embody human rights conceptions in law at the international level, and how human rights law can be implemented through cooperation among national and international institutions. Topics will include the historical origins of modern human rights law; background international law rules that structure human rights law; connections between civil, political, social, and economic rights; comparative discussion of some specific human rights; and global and regional methods of oversight and enforcement. The course will pay particular attention to the UN Human Rights Committee and to the relationship between the United States and the international human rights system. Please note that laptops and other electronic communications devices may not be used in class.

Textbook(s):&nbsp; (Required) ISBN: 978-1454876663 / 1454876662 Authors: Hurst Hannum, Dinah Shelton, James Anaya, and Rosa Celorio title: International Human Rights: Problems of Law, Policy, and Practice edition: (6th ed. 2018) publisher: Aspen Casebook

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# Harvard Law School Course Catalog

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## Human Rights in the UN Treaty Bodies

**Course #:** 2343      **Term:** 2020FS      **Faculty:** Neuman, Gerald      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: By permission of instructor. The permission is just to verify the prerequisite.  Students who have taken either the 1L or upper-level International Human Rights introductory course at HLS will definitely receive permission to enroll, but for technical reasons they should contact the instructor so that he can facilitate registration; other students who have not taken that course but believe that they have preparation equivalent to that course may contact the instructor, who will grant permission if he agrees that their prior preparation is equivalent. Auditing will not be permitted.  
Exam Type: No Exam  
Grading will be based on class participation and a series of short reaction papers.  
This advanced seminar was designed as a capstone experience in human rights.  It will focus on selected topics relating to the work of the UN human rights treaty bodies, especially the Human Rights Committee (of which the instructor was previously a member), often in comparative perspective. Topics vary from year to year, but may include such subjects as arbitrary detention, religious exemptions, the right to life, forced evictions, "hate speech," rights of persons with disabilities, rights of refugees, and international monitoring procedures.  
Note: The seminar will meet six times each semester, in two-hour sessions. The fall meeting dates are as follows: September 9, September 23, October 7, October 21, November 4, and November 18.  
  
Credits: The credit breakdown for this seminar is as follows: two total credits with one credit awarded in the fall and one credit awarded in the spring.

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# Harvard Law School Course Catalog

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## Ideal Discourse: JuryX Workshop

**Course #:** 2411      **Term:** 2021WI      **Faculty:** Nesson, Charles      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 4:30 PM

Tue 1:00 PM - 4:30 PM

Wed 1:00 PM - 4:30 PM

Thu 1:00 PM - 4:30 PM

Fri 1:00 PM - 4:30 PM

**Course Description:** Prerequisites: None

Exam Type: One-day takehome  
In addition there will be a 1200-word paper due at the end of the workshop.

Ideal Discourse JuryX is a workshop in which the ideal is both subject of study and objective in execution, played out with collective attention substance, form and frame of our discourse.  The workshop pursues jury in metaphor and ideal form. We consider difficult issues of justice. Our syllabus unfolds as we go. Much learning takes place in small jury groups, mixed as we go to maximize students meeting. Much learning takes place as well in a pseudonymous text online discourse environment called threads, used for feedback and wide-open discussion.

With Fern L. Nesson

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# Harvard Law School Course Catalog

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## Identity in American Literature of the 1940s

**Course #:** 3063

**Term:** 2021SP

**Faculty:** Tarullo, Daniel

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Disciplinary Perspectives & Law

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No exam

Much American literature of the 1940s is concerned with issues of identity that resonate across the decades - race, gender, relationship of individuals to groups that help define them. Yet there are variations on these themes that may not be so familiar and that may give some new perspective on contemporary perceptions of identity in society. We will read novels by six writers - three still well-known today (William Faulkner, Carson McCullers, and Richard Wright), and three considerably less so (John Horne Burns, Ann Petry, and Isaac Rosenfeld) - to explore some of these themes. Each student will be asked to give some introductory comments at one session to help begin the discussion of the novel assigned for that day.

Note: This reading group will meet on the following dates: January 27, February 10, February 24, March 10, March 31, and April 14.

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# Harvard Law School Course Catalog

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## Immigration and Refugee Advocacy

**Course #:** 2115      **Term:** 2020FA      **Faculty:** Anker, Deborah      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Harvard Immigration and Refugee Clinic (3-5 fall clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020.  
LLM Students: LLM students may apply to the clinic by submitting an application. International LLM students on F-1 student visas cannot be placed at GBLs.  
This seminar is for participants in the fall Immigration and Refugee Clinic and addresses substantive national and international refugee law, as well as advocacy skills relevant to students work at the clinic. The substantive portion of the seminar will provide an overview of international and domestic refugee law. It will examine selected topics typically encountered in the course of students casework in greater detail. Specific topics may include: The Refugee Convention and U.S. Law, Persecution and the Human Rights Paradigm, Issues of Credibility and Proof, and Gender-Based Asylum Claims. The skills component of the seminar will cover such areas as effective client interviewing, affidavit writing, cross-cultural lawyering, conducting immigration and human rights research, and preparation of cases and client testimony. In order to cultivate best practices in student advocacy and deepen the clinical experience, this seminar draws heavily for instructional examples on current clinical experiences of students (their actual cases and clients). It will also allow students to connect their understanding of refugee law and lawyering skills to actual casework through consideration of specific issues of doctrine and policy implicated by students cases. Students will have the opportunity to critically reflect on their experiences, models of advocacy, and social change. A clinical practice component is required of all students.  
Students who have taken the course "Emerging Issues in Refugee Protection: The Representation of Child Asylum Seekers" may request a clinical seminar waiver by contacting the clinic directly.

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Immigration Law

Course #: 2466      Term: 2021SP      Faculty: Neuman, Gerald      Credits: 3.00  
Type: Elective      Subject Areas: Constitutional Law & Civil Rights; International, Comparative & Foreign Law; Legal History; Regulatory Law

Delivery Mode: Course

Days and Times:      Location

Mon 3:20 PM - 4:50 PM  
Tue 3:20 PM - 4:50 PM

Course Description: Prerequisites: Prior completion of a course in U.S. Constitutional Law that covers separation of powers and federalism is recommended, but not required.  
  
Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

Migration policy has become bitterly controversial since January 2017, but not for the first time. This course will examine the legal framework of federal immigration control from a variety of perspectives &ndash; historical and contemporary; substantive and procedural; statutory and administrative and constitutional &ndash; including the criteria for admission to the United States, the grounds and process of deportation, the peculiar constitutional doctrines persisting in this field, and an introduction to refugee law.  
Please note that laptops and other electronic communications devices may not be used in class.

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# Harvard Law School Course Catalog

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## International Commercial Arbitration

**Course #:** 2122      **Term:** 2021WI      **Faculty:** Beckett, Mark; Tan, Daniel      **Credits:** 3.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 9:00 AM - 12:30 PM

Wed 9:00 AM - 12:30 PM

Thu 9:00 AM - 12:30 PM

Fri 9:00 AM - 12:30 PM

Tue 9:00 AM - 12:30 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD international/comparative requirement.  
Prerequisites: None

Exam Type: Last Class Take-Home

This course provides a rigorous introduction to the field of international commercial arbitration, which has become the default means of settling international disputes. The course will deal with the internationalist elements of the subject matter, but will also examine international commercial arbitration from an American perspective. Students can expect to review both foreign and US commentaries, statutes and case law on the subject. The course will comprise of five main topics: (1) an introduction to the field of international commercial arbitration; (2) the agreement to arbitrate; (3) the arbitrators; (4) the arbitration process; and (5) the arbitral award. The course will also cover in brief the law of foreign investment and the pivotal role of arbitration both in resolving disputes and developing the law in that area.

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# Harvard Law School Course Catalog

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## International Economic Law Workshop

**Course #:** 3023      **Term:** 2020FA      **Faculty:** Tarullo, Daniel; Wu, Mark      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 3:00 PM - 5:00 PM

**Course Description:** Prerequisites: While there are no specific prerequisites for this workshop, it is highly advisable for students to have at least some background &ndash; coursework or experiential &ndash; in legal issues associated with international economic regulation.

Exam Type: No Exam  
Students will be required to write (a) questions that could be asked in class of the author of each paper and (b) three relatively short "response" papers commenting on papers presented in the class.

The International Economic Law Workshop is designed to give students a closer look at scholarly work on legal aspects of international trade, investment, and finance than is possible in introductory courses on those topics.&nbsp; The emphasis will be on conceptual issues and debates, rather than doctrinal or practice-oriented work. Most of the sessions will be devoted to presentation and discussion of work in progress by guest speakers, who will present their papers to the class. Select parts of a few sessions will cover background and overview readings that will provide students with some context for the guest authors&rsquo; papers.  
Enrollment will be limited to 20 students.

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## International Environmental Law

**Course #:** 2123      **Term:** 2021WI      **Faculty:** Salzman, James      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Environmental Law; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 4:30 PM

Wed 1:00 PM - 4:30 PM

Thu 1:00 PM - 4:30 PM

Fri 1:00 PM - 4:30 PM

**Course Description:** Prerequisite: None

Exam Type: One Day Take-Home

This course examines the challenges, successes, and opportunities in harnessing state and non-state efforts to promote international environmental protection. After laying a foundation in environmental policy instruments, international law, institutions and the challenges of sustainable development, the course addresses concrete regimes designed to address specific international environmental problems, such as ozone depletion, marine pollution, overfishing, biodiversity loss and climate change, among others. The course focuses on how international environmental law and policy work in practice, exploring the dynamic of treaties, negotiations, and the range of actors on the international plane, with discussion of the interplay between domestic legislation and international protection efforts. We will have the opportunity to hear from guest speakers who are leading figures in the field.

Note: This course will meet over eight sessions during the first two weeks of the winter term.

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# Harvard Law School Course Catalog

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## International Human Rights Clinic

**Course #:** 8021      **Term:** 2021SP      **Faculty:** Giannini, Tyler      **Credits:** 5.00

**Type:** Clinic      **Subject Areas:** Human Rights; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Students in the spring clinic must enroll in Human Rights Advocacy (2 spring classroom credits). Students will be split into two sections of the seminar. Students who enroll in the spring clinic will be enrolled in one of the required sections by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: HLS.  
Through the International Human Rights Clinic, students link theory with practice and learn core skills necessary to become effective and thoughtful human rights advocates. Students work in small teams on a variety of pressing and timely human rights problems around the world in collaboration with leading international and local human rights organizations. Those in the Clinic have the opportunity to explore a range of approaches to advance the interests of clients and affected communities. For example, students may interview survivors and document abuses; undertake legal, factual, and strategic analysis; formulate policy to promote respect for human rights principles and the rule of law; and/or interact with media and build campaigns to advocate for human rights - all under the close supervision of the Clinics human rights practitioners. When appropriate, students travel to investigate abuses or pursue advocacy outside Cambridge, including participating in sessions before intergovernmental bodies or supporting arguments before courts.  
In any given term, the Clinic delves into a wide range of issues, including extrajudicial executions, torture, and criminal justice; the unlawful use of cluster munitions and other weapons; civilian protection in armed conflict; sexual and reproductive rights; human rights and the environment; business and human rights; accountability litigation, including under the Alien Tort Statute and Torture Victim Protection Act; transitional justice; civil and political rights; economic, social, and cultural rights; and many more. Our clinicians have expertise in numerous regions and countries, including in Latin America, Southern Africa, Southeast Asia, and North America, including the United States. This wide range of skills, as well as thematic and geographic knowledge, exposes students to a variety of strategies and innovative techniques for promoting and protecting human rights.  
Spring clinic students must take Human Rights Advocacy (2 spring classroom credits). Clinical seminar enrollment occurs once a student has enrolled in the spring clinic and is orchestrated by the Office of Clinical and Pro Bono Programs.

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# Harvard Law School Course Catalog

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## International Human Rights Clinic

**Course #:** 8021      **Term:** 2020FA      **Faculty:** Giannini, Tyler; Farbstein, Susan      **Credits:** 5.00

**Type:** Clinic      **Subject Areas:** Human Rights; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Students in the fall clinic must enroll in either Human Rights Advocacy (2 fall classroom credits) or Armed Conflict and Civilian Protection (2 fall classroom credits). Students who enroll in the fall clinic will be enrolled in one of the required courses by the Office of Clinical and Pro Bono Programs. Students are guaranteed a seat in one of these two required courses, but are not guaranteed their first choice. Students may enroll in only one of the two available courses.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: HLS.  
Through the International Human Rights Clinic, students link theory with practice and learn core skills necessary to become effective and thoughtful human rights advocates. Students work in small teams on a variety of pressing and timely human rights problems around the world in collaboration with leading international and local human rights organizations. Those in the Clinic have the opportunity to explore a range of approaches to advance the interests of clients and affected communities. For example, students may interview survivors and document abuses; undertake legal, factual, and strategic analysis; formulate policy to promote respect for human rights principles and the rule of law; and/or interact with media and build campaigns to advocate for human rights - all under the close supervision of the Clinics human rights practitioners. When appropriate, students travel to investigate abuses or pursue advocacy outside Cambridge, including participating in sessions before intergovernmental bodies or supporting arguments before courts.  
In any given term, the Clinic delves into a wide range of issues, including extrajudicial executions, torture, and criminal justice; the unlawful use of cluster munitions and other weapons; civilian protection in armed conflict; sexual and reproductive rights; human rights and the environment; business and human rights; accountability litigation, including under the Alien Tort Statute and Torture Victim Protection Act; transitional justice; civil and political rights; economic, social, and cultural rights; and many more. Our clinicians have expertise in numerous regions and countries, including in Latin America, Southern Africa, Southeast Asia, and North America, including the United States. This wide range of skills, as well as thematic and geographic knowledge, exposes students to a variety of strategies and innovative techniques for promoting and protecting human rights.  
Fall clinic students must take either Human Rights Advocacy (2 fall classroom credits) or Armed Conflict and Civilian Protection (2 fall classroom credits). While each course is focused on a particular subject matter, both teach the key skills of human rights practitioners and include simulations related to fact-finding and field investigations, media work, and/or negotiation and legislative work. Clinical seminar selection and enrollment occurs once a student has enrolled in the fall clinic and is orchestrated by the Office of Clinical and Pro Bono Programs.

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# Harvard Law School Course Catalog

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## International Human Rights Clinic - 3L Leadership Training

<b>Course #:</b> 8040	<b>Term:</b> 2020FA	<b>Faculty:</b> Giannini, Tyler; Farbstein, Susan	<b>Credits:</b> 5.00
<b>Type:</b> Clinic	<b>Subject Areas:</b> Human Rights; International, Comparative & Foreign Law; Procedure & Practice		
<b>Delivery Mode:</b> Clinic			
<b>Days and Times:</b>		<b>Location</b>	

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Required Class Component: Strategic Leadership & Advanced Human Rights Advocacy (2 fall classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: Prior semester of the International Human Rights Clinic.

By Permission: Yes - applications are due by April 6, 2020.

Add/Drop Deadline: June 1, 2020.

LLM Students: Due to the pre-requisite, LLM students are not eligible to apply.

Placement Site: HLS.

Through the International Human Rights Clinic - 3L Leadership Training, students continue to develop core skills necessary to become more effective human rights advocates. Students again work in small teams on critical human rights issues in collaboration with leading international and local organizations. Those in the Clinic have the opportunity to deepen and refine a range of skills to advance the interests of clients and affected communities. Students may focus on more advanced techniques related to existing skills, or they may explore new skill areas altogether. For example, students may interview survivors and document abuses; undertake legal, factual, and strategic analysis; formulate policy; and/or build media campaigns to advocate for human rights - all under the close supervision of the Clinics human rights practitioners. When appropriate, students travel to investigate abuses or pursue advocacy outside Cambridge, including participating in sessions before intergovernmental bodies or supporting arguments before courts.

In any given term, the Clinic delves into a wide range of issues, including extrajudicial executions, torture, and criminal justice; the unlawful use of cluster munitions and other weapons; civilian protection in armed conflict; sexual and reproductive rights; human rights and the environment; business and human rights; accountability litigation, including under the Alien Tort Statute and Torture Victim Protection Act; transitional justice; civil and political rights; economic, social, and cultural rights; and many more. Our clinicians have expertise in numerous regions and countries, including in Latin America, Southern Africa, Southeast Asia, and North America, including the United States. This wide range of skills, as well as thematic and geographic knowledge, exposes students to a variety of strategies and innovative techniques for promoting and protecting human rights.

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# Harvard Law School Course Catalog

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## International Humanitarian Law/Law of Armed Conflict

**Course #:** 2296

**Term:** 2021SP

**Faculty:** Modirzadeh, Naz

**Credits:** 3.00

**Type:** Elective

**Subject Areas:** Human Rights; International, Comparative & Foreign Law; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 1:00 PM - 2:30 PM

Tue 1:00 PM - 2:30 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD international/comparative requirement.

Prerequisite: Public International Law is recommended.

Exam Type: Please refer to the Spring 2021 Exam Schedule

The law of war is one of the oldest branches of international law, but whether its centuries-old norms align with modern conflicts remains a contested area of legal practice and interpretation. This course will explore the primary branch of international law applicable to situations of armed conflict, often referred to as international humanitarian law (IHL) or the law of armed conflict (LOAC). We will examine foundational doctrines and concepts and then explore some of the foremost contemporary challenges. We will consider, for example, direct participation of civilians in hostilities; the geographic, temporal, material, and personal scope of armed conflict; the interplay between international human rights law, international criminal law, and IHL; and the relationship between the legal framework governing terrorism and IHL. We will investigate such questions as how does international law regulate the means and methods of warfare, protection of civilians, and humanitarian access in situations of armed conflict? How does international law classify and regulate different categories of armed conflict, and how does it distinguish armed conflicts from other situations of organized armed violence? How does the law seek to balance principles of military necessity and humanity? And how does the law address emergent technologies?

Note: Prior course in Public International Law encouraged, not required.

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# Harvard Law School Course Catalog

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## International Investment Arbitration

**Course #:** 2567      **Term:** 2020FA      **Faculty:** Banifatemi, Yas; Gaillard, Emmanuel      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:10 AM - 12:00 PM

Tue 10:10 AM - 12:00 PM

Wed 9:40 AM - 12:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Prerequisite: The course is open to 2Ls, 3Ls, LLMS, and SJDs. No prior courses required, although broad familiarity with public international law and international commercial arbitration will be an advantage.

Exam Type: There is no exam administered by the Registrar's Office. Students will instead complete an oral exam, in the form of a moot investment arbitration proceeding.

In 1965, the World Bank adopted the Washington Convention, establishing the International Centre for Settlement of Investment Disputes (ICSID), and allowing private parties to resort directly to international arbitration against States for harm done to their investments. Since then, as a result of the wide adoption of bilateral and multilateral investment protection treaties, there has been an outbreak of investor-State arbitrations that neither the drafters of the Convention nor the international community at large had anticipated.

This course will explore where investment treaty arbitration stands today, after over two decades of growth. In particular: Why have there been calls for reform and for the termination of investment protection treaties? To what extent has the interplay between investment arbitration and international law nourished each of these fields of law? How has the arbitral case law tackled the most complex questions of international law? These questions, and others, will be addressed through a deep immersion into the investment arbitration process, as well as through an examination of the concepts of jurisdiction and admissibility (notion of investment; nationality of investors, both physical and juridical persons; temporal application of treaties; abuse of process; etc.); the interaction between contractual and treaty breaches; treaty interpretation; and strategic options in investor-State arbitration.

Enrollment will be limited to 20, and class will proceed based on students having prepared the relatively substantial reading materials. Only students who are prepared to make a firm commitment should enroll.

Note: This course will meet from the week of September 21st to October 14th. The last class session, which is a double session and includes the moot investment arbitration proceeding, will be held on October 14th at 8am. Students should be aware that this session could last until 1:30pm.

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# Harvard Law School Course Catalog

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## International Investment Arbitration: Policies, Issues, and Challenges (S01)

**Course #:** 2121      **Term:** 2021SP      **Faculty:** Tung, Ko-Yung      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Thu 3:00 PM - 5:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

International investment is an important driver for economic development, providing jobs, bringing in technology and critical capital. Accordingly, most countries compete vigorously with each other to promote foreign investments into their domestic economy. There are now over 3,000 bilateral and multilateral investment treaties among over 100 countries that promote foreign investments by providing certain protections and treatment to foreign investments. The principal protections are national treatment, most favored nation treatment, fair and equitable treatment, minimum international law standards, and non-discriminatory expropriation. Many of these treaties also include investor-state dispute systems (ISDS) to resolve disputes between the foreign investors and the host countries through binding arbitrations. The number of ISDS cases is ever increasing.

However, ISDS has come under severe criticisms from various quarters. Critics include populists who claim that ISDS favors big foreign investors over domestic companies, environmentalists who charge that foreign investment is favored over the environment, and human rights activists who see foreign investment trumping human rights. Both foreign investors and host states, as well as legal scholars, are dismayed by conflicting arbitral awards without the right of appeal and by the lack of legitimacy of ad hoc private arbitrators deciding public policy issues, impinging on sovereign legislative space.

The reading materials in this Reading Group will explore the nature and consequences of foreign investment in host countries, weigh the policy considerations underlying investment treaties, and analyze arbitral decisions that highlight the conflicting interests between those of the foreign investors and those of the host state and its citizens. We will also study and evaluate the various proposed solutions to these issues that are now recently proffered by various countries, institutions and legal scholars in the field.

Robust interactive discussion. No exam; no paper.

Note: This reading group will meet over six two-hour sessions from March 4 through April 15.

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# Harvard Law School Course Catalog

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## International Investment Arbitration: Policies, Issues, and Challenges (S02)

**Course #:** 2121      **Term:** 2021SP      **Faculty:** Tung, Ko-Yung      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Wed 7:00 PM - 9:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

International investment is an important driver for economic development, providing jobs, bringing in technology and critical capital. Accordingly, most countries compete vigorously with each other to promote foreign investments into their domestic economy. There are now over 3,000 bilateral and multilateral investment treaties among over 100 countries that promote foreign investments by providing certain protections and treatment to foreign investments. The principal protections are national treatment, most favored nation treatment, fair and equitable treatment, minimum international law standards, and non-discriminatory expropriation. Many of these treaties also include investor-state dispute systems (ISDS) to resolve disputes between the foreign investors and the host countries through binding arbitrations. The number of ISDS cases is ever increasing.

However, ISDS has come under severe criticisms from various quarters. Critics include populists who claim that ISDS favors big foreign investors over domestic companies, environmentalists who charge that foreign investment is favored over the environment, and human rights activists who see foreign investment trumping human rights. Both foreign investors and host states, as well as legal scholars, are dismayed by conflicting arbitral awards without the right of appeal and by the lack of legitimacy of ad hoc private arbitrators deciding public policy issues, impinging on sovereign legislative space.

The reading materials in this Reading Group will explore the nature and consequences of foreign investment in host countries, weigh the policy considerations underlying investment treaties, and analyze arbitral decisions that highlight the conflicting interests between those of the foreign investors and those of the host state and its citizens. We will also study and evaluate the various proposed solutions to these issues that are now recently proffered by various countries, institutions and legal scholars in the field.

Robust interactive discussion. No exam; no paper.

Note: This reading group will meet over six two-hour sessions from March 3 through April 14.

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# Harvard Law School Course Catalog

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## International Labor Migration

**Course #:** 2330      **Term:** 2021WI      **Faculty:** Rosenbaum, Jennifer      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Employment and Labor Law; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:30 PM

Tue 1:00 PM - 3:30 PM

Wed 1:00 PM - 3:30 PM

Thu 1:00 PM - 3:30 PM

Fri 1:00 PM - 3:30 PM

**Course Description:** Prerequisite: None

Exam Type: No Exam

This course will draw on case studies to examine international labor migration flows, governance issues under national and international legal regimes, and innovative approaches to defending migrant worker rights in sending and receiving countries. We will explore the interplay between the modern human rights and labor movements, analyze the advocacy strategies adopted to address workers’ rights violations, and evaluate the tradeoffs and tensions inherent in the different approaches.

Through the course, students will learn about different forms of international labor migration and labor trafficking from the perspectives of countries of origin and destination and will analyze the international instruments that protect workers’ basic rights and freedoms.

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# Harvard Law School Course Catalog

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## International Taxation

**Course #:** 3021      **Term:** 2021SP      **Faculty:** Paul, Deborah      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Regulatory Law; Taxation

**Delivery Mode:** Course

**Days and Times:**      **Location**

Fri 9:30 AM - 11:30 AM

**Course Description:** Prerequisites: None  
Exam Type: Please refer to the Spring 2021 Exam Schedule

This course will cover the basic federal income tax concepts, policy and law relating to taxation of foreign persons with U.S. activities and U.S. persons with foreign activities. The course will discuss long-standing aspects of federal income tax law, as well as rules enacted in 2017 central to that year’s federal income tax reform. In our global economy, federal income tax law relating to cross-border activity affects many business and investment decisions. The course would be of interest to future tax lawyers and transactional lawyers as well as those interested in statutory interpretation.  
Textbook&#40;s&#41;&#58;

Gustafson&#44; Peroni and Pugh&#44; Taxation of International Transactions&#44; 4th edition  
&#40;required&#41;  
CCH&#44; International Income Taxation&#44; Code & Regulations Selected Sections&#44; Peroni  
&#40;coordinating editor&#41;&#44; 2020-2021 edition &#40;required&#41;  
Herzfeld&#44; International Taxation in a Nutshell&#44; 12th edition &#40;optional&#41;

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# Harvard Law School Course Catalog

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## Introduction to Accounting

**Course #:** 2133

**Term:** 2020FA

**Faculty:** Dharan, Bala

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This 1-credit module fall course is designed to help students develop an understanding of the accounting information presented in corporate financial statements. Students will learn the basics of how the three basic financial statements -- balance sheet, income statement and cash flow statement -- are prepared to capture the financial effects of management decisions, and how accounting reports are analyzed to aid management decisions. The course will be relevant for students who wish to learn the basic language of accounting and its use in capital markets, corporate transactions, commercial litigation, mergers and acquisitions, and other related areas.

Note: The course meets for the first six weeks of the semester, followed by an exam given in the seventh week.

Textbook(s):&nbsp; Custom print book: Introduction to Accounting ISBN-10: 1307611834ISBN-13: 9781307611830 Order the print book from the following URL:  
<http://shop.mheducation.com/mhshop/connect/productDetails?isbn=1266331611> The ordering page will describe the book as &ldquo;FINANCIAL ACCOUNTING, 9th edition&rdquo;  
Custom ebook name: Introduction to Accounting ISBN-10:&nbsp; 1307611842 ISBN-13: 9781307611847  
These books can be ordered by students from: <https://create.mheducation.com/shop/>

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# Harvard Law School Course Catalog

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## Introduction to Accounting 3-Week Section

**Course #:** 2133

**Term:** 2021SP

**Faculty:** Dharan, Bala

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

**Course Description:** Prerequisite: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This 1-credit module is designed to help students develop an understanding of the accounting information presented in corporate financial statements. Students will learn the basics of how the three basic financial statements -- balance sheet, income statement and cash flow statement -- are prepared to capture the financial effects of management decisions, and how accounting reports are analyzed to aid management decisions. The course will be relevant for students who wish to learn the basic language of accounting and its use in capital markets, corporate transactions, commercial litigation, mergers and acquisitions, and other related areas.

Note: This course will meet for the first three weeks of the term, followed by an exam given in the fourth week.

Textbook(s):&nbsp; Custom print book: Introduction to Accounting ISBN-10: 1307611834ISBN-13:

9781307611830 Order the print book from the following URL:

<http://shop.mheducation.com/mhshop/connect/productDetails?isbn=1266331611> The ordering page will describe the book as &ldquo;FINANCIAL ACCOUNTING, 9th edition&rdquo;

Custom ebook name: Introduction to Accounting ISBN-10:&nbsp; 1307611842 ISBN-13: 9781307611847

These books can be ordered by students from: <https://create.mheducation.com/shop/>

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# Harvard Law School Course Catalog

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## Introduction to Advocacy: Civil Legal Aid Ethics, Theory, and Practice

**Course #:** 2134      **Term:** 2020FS      **Faculty:** Caramello, Esme; Lawrence, Eloise      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

**Course Description:** Students who enroll in this course may count the credits towards the JD professional responsibility requirement.  
Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Harvard Legal Aid Bureau 2L (3 fall clinical credits + 1 winter clinical credit + 4 spring clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: Evidence and TAW. Students must enroll in Evidence and TAW separately from clinic enrollment.  
By Permission: Yes. Applications are due to the clinic by March 25, 2020.  
Add/Drop Deadline: May 1, 2020 (except for students applying simultaneously to Law Review or the Board of Student Advisors).  
LLM Students: LLM students are not eligible to enroll.  
Multi-Semester: This is a fall-spring course (1 fall classroom credit + 1 winter classroom credit + 1 spring classroom credit).  
This course introduces students to civil law practice and is required for all 2L members of the Harvard Legal Aid Bureau. Student practice experience at the Bureau is the primary material for all class meetings and discussions. The goals of the course are: (1) to provide a strong foundation for developing lawyering skills; (2) to enhance student understanding of what lawyers do, with particular attention to professional role, values, and ethics; and (3) to develop skills of peer and self-assessment so that students will have the ability to continue to learn in practice after law school. The majority of class meetings will focus on specific lawyering tasks such as client counseling and interviewing, investigation of claims, negotiation, and argument and case presentation, as well as the civil legal aid system and management of a multi-issue, multi-strategic legal aid organization. With respect to each skill studied, attention will be paid to the ethical, relational, strategic, and tactical issues involved. Additional class sessions, led by Bureau Clinical Instructors, will provide opportunities for analysis of the substantive and procedural law applicable to the students clinical practice; development of litigation skills through role-play exercises; and rounds of discussions of challenging issues in the students casework.  
There will be no examination, but students are expected to attend all class sessions and complete periodic written assignments and a final project or paper that addresses an ethical or professional issue related to their casework, the course readings, or other aspects of the legal profession.  
Enrollment in this course is restricted to 2L Harvard Legal Aid Bureau members and will not be in clinical registration. The Office of Clinical and Pro Bono Programs will enroll all HLAB 2L members in this course.

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# Harvard Law School Course Catalog

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## Introduction to American Law

**Course #:** 2135

**Term:** 2020FA

**Faculty:** Taggart, Christopher

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 8:20 AM - 10:20 AM

**Course Description:** Prerequisite: None

Exam: Please refer to the Fall 2020 Tentative Exam Schedule

This course introduces students trained as lawyers outside of the United States to the U.S. legal system, helping to supplement and put into context what they learn in their other courses at HLS. Included among the topics covered are: the basic structure and function of U.S. legal institutions; basics of subject matter and personal jurisdiction of American courts; the interaction of state and federal law in the American system of federalism; selected doctrines of constitutional law; selected topics pertaining to the American criminal and civil justice systems; and trial by jury.

Note: Enrollment is limited to foreign-educated LL.M. students.

Textbook(s): Author: William Burnham Title: Introduction to the Law and Legal System of the United States Edition: 6th edition Publisher: West Academic Publishing Year: 2016 ISBN (print): 9781634602075 ISBN (e-book): 9781634606936 Publisher website (print): <https://www.westacademic.com/Burnhams-Introduction-to-the-Law-and-Legal-System-of-the-United-States-6th-9781634602075> Publisher website (e-book): <https://www.westacademic.com/Burnhams-Introduction-to-the-Law-and-Legal-System-of-the-United-States-6th-9781634606936>

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# Harvard Law School Course Catalog

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## Introduction to Bankruptcy Law

**Course #:** 2013      **Term:** 2020FA      **Faculty:** Triantis, George      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 8:00 PM - 10:00 PM

**Course Description:** Prerequisite: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course concerns the law and finance of corporate bankruptcy with an emphasis on reorganization. The course reviews the fundamentals of debt contracting, including the role of events of default, debt priority and security interests. The course examines various aspects of the bankruptcy process: including the automatic stay, the avoidance of prebankruptcy transactions (e.g. fraudulent conveyances and preferences), the treatment of executory contracts, the debtors governance structure during bankruptcy, the financing of operations and investments in bankruptcy, sales of assets or acquisition of the company during bankruptcy, and the process of negotiating, voting, and ultimately confirming a plan of reorganization.

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# Harvard Law School Course Catalog

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## Introduction to Finance Concepts 4-Day Section

**Course #:** 2537

**Term:** 2020FA

**Faculty:** Dharan, Bala

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 1:00 PM - 4:00 PM

Wed 1:00 PM - 4:00 PM

Thu 1:00 PM - 4:00 PM

Fri 1:00 PM - 4:00 PM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This 1-unit course is designed to provide students with no prior coursework in finance an introduction to core concepts and calculations of corporate finance. This section of the course will meet over four days in the week prior to the start of the upper-level fall term classes so that students can quickly equip themselves with an understanding of the basic concepts and procedures of corporate finance. Starting with a brief introduction to the use of Microsoft Excel for finance calculations, the following topics will be introduced: time value of money, discounted cash flow methodology, analysis of investment decisions, concept of risk and return, capital asset pricing model, market efficiency, cost of equity, and weighted average cost of capital.

The course will be graded on a Credit/Fail basis.

Note: This course takes place before the official start of term. It will meet Tuesday, September 1st through Friday, September 4th, followed by an exam given during the first week of classes.

Drop Deadline: September 1, 2020 by 11:59 pm est

Cross registration is not available for this course.

Textbook(s): Custom print book: Introduction to Finance Concepts ISBN: 1307611796 ISBN-13: 9781307611793 Order the print book from the following URL: <http://shop.mheducation.com/mhshop/connect/productDetails?isbn=1266328297> The ordering page will describe the book as "FUNDAMENTALS OF CORPORATE FINANCE STANDARD EDITION, 10th edition"  
Custom ebook name: Introduction to Finance Concepts ISBN-10: 130761180X ISBN-13: 9781307611809 These books can be ordered by students from: <https://create.mheducation.com/shop/>

# Harvard Law School Course Catalog

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## Introduction to Trial Advocacy

**Course #:** 1055      **Term:** 2021WI      **Faculty:** Sullivan, Ronald; Blitzman, Jay; Sonenberg, Santha      **Credits:** 2.00

**Type:** 1lwinter      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:00 AM - 12:30 PM

Tue 10:00 AM - 12:30 PM

Wed 10:00 AM - 12:30 PM

Thu 10:00 AM - 12:30 PM

Fri 10:00 AM - 12:30 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement. This course is co-taught by Professor Ron Sullivan, Honorable Jay Blitzman, Mr. Thomas Newman, and Ms. Santha Sonenberg.

Note: This course is restricted to first-year J.D. students only.

The drop deadline for 1L January Experiential Term (JET) classes is December 4, 2020. Students may not drop a course if they do not have an offer to enroll in a different JET course.

1L JET courses are intensive learning courses. Class attendance is required in each course every day of the term, beginning Tuesday, January 5th. Students should plan accordingly and should not take on other work commitments during the term.

Please note Introduction to Trial Advocacy will not satisfy the Trial Advocacy Workshop pre-requisite requirements for upper-level clinics.

Exam Type: No Exam

In the U.S. legal system, a trial is the principle mechanism designed to resolve disputes between adverse parties. Partisan advocates on either side of an issue present evidence to a neutral arbiter - usually a jury, which, in turn acts as a finder of fact. An impartial judge decides matters of law and manages the trial process.

Trial Advocacy is both art and science. At bottom, an effective advocate paints a word picture of an historical event for strangers who were not percipient witnesses to the disputed event. Creating a compelling narrative is an art, which through study and practice, can be developed and mastered. The technique and structure of examinations, statements, and argument is in form similar to a science. It is tried and true method, which through study and practice, can be developed and mastered.

This course is an introduction to effective advocacy. It focuses on predicate areas of advocacy not traditionally covered in trial advocacy courses. ITA begins with a study of case theory. Case theory, as the phrase suggests, represents the narrative an advocate advances to persuade a fact finder to accept the advocates narrative. The course then moves to lawyer-client interaction, including the initial interview, and the thorny ethical issues that relationship may, on occasion, entail. Finally, the course teaches two of the most important tools in the trial lawyers toolkit, direct and cross examination.



# Harvard Law School Course Catalog

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Note: There may be days throughout the winter term that require attendance beyond the scheduled times. Please refer to the course syllabus and page for more information.

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## Investments Workshop: Public and Private Equity

**Course #:** 2923

**Term:** 2021SP

**Faculty:** Bosiljevac, Vladimir

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisites: Sound understanding of financial statements and valuation topics/models. Admission is by permission only and interested students should send a resume and a cover letter to the instructor at vbosiljevac@law.harvard.edu. In the cover letter interested students should explain why they want to take the class and outline their experience with financial statements, valuation and modeling. The deadline for HLS students to apply is January 15, 2021. Cross-registrants are encouraged to apply; the deadline for doing so is January 20, 2021.

Exam Type: No Exam

This class (designed as a workshop) is intended for students who want to deepen and expand their knowledge of applied finance topics and concepts with a focus on equity investments in public and private markets. Students will explore these topics through case studies where they are asked to analyze potential investments using hedge fund and private equity tools and strategies. These case studies will span across different industries (e.g. technology/internet, retail, consumer goods, healthcare, industrials, etc.) and different geographies (developed and emerging markets). However, the primary focus will be the US. After learning various investment methodologies in the first part of the course, students (working in teams of two) will be required to independently develop (with inputs and feedback from the instructor) and pitch two investment theses/ideas in their industry of choice. That investment thesis will be thoroughly discussed (and challenged) in class. Active class participation is required.

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# Harvard Law School Course Catalog

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## Judicial Process in Trial Courts Clinic

**Course #:** 8022

**Term:** 2021SP

**Faculty:** Cratsley, John

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Judicial Process in Trial Courts (2 spring classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: December 4, 2020.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Placement Site: Various internship placements with trial court judges.

Students undertake clinical fieldwork study of judicial performance through clerkship-like clinical placements with individual justices of the District Court, Boston Municipal Court, Juvenile Court, Housing Court, Land Court and Superior Court Departments of the Massachusetts Trial Court, as well as with federal judges in the U.S. District Court and Immigration Court. Clinical students are expected to be available to do research and writing projects for their assigned judge, and are expected to observe and assist their judge for at least 2 clinical credits, or eight hours per week. Three short reflection papers and one final paper required.

Students must have at least one full day or two mornings available for their judicial placement. Students may earn up to five credits for additional fieldwork hours with their judge.

For more information, please contact Judge John C. Cratsley (Retired); [cratsley@socialaw.com](mailto:cratsley@socialaw.com) or [jcratsley@law.harvard.edu](mailto:jcratsley@law.harvard.edu).

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# Harvard Law School Course Catalog

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## Judicial Process in Trial Courts Clinical Seminar

**Course #:** 2139      **Term:** 2021SP      **Faculty:** Cratsley, John; Berenson, Barbara      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Judicial Process in Trial Courts Clinic (2-5 spring clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.  
This weekly seminar examines through participant observation the functioning of the judicial process in our trial courts with special attention to different judicial roles in different trial courts. The focus of the class is on the various roles (adjudicatory, administrative, sentencing, educational and symbolic) that judges play in these courts. Students have the unique opportunity to observe and discuss the work of their assigned judges in a clerkship-type setting. Students are also expected to assist their judges with legal research and writing. The contributions of various scholars to understanding the work of judges in these courts is reviewed as well as distinct proposals for reform. Because of the variety of judicial placements, attention is also paid to common issues such as judicial accountability, judicial ethics, ADR, juries, access to justice, and sentencing innovations like treatment courts and restorative justice. A fifteen to twenty page paper describing some aspect of the judiciary's work in these courts is required and serves as a basis for each student's grade. Three short reflective papers are also required during the semester.  
Students undertake clinical fieldwork study of judicial performance through clerkship-like clinical placements with individual justices of the District Court, Boston Municipal Court, Juvenile Court, Housing Court, Land Court and Superior Court Departments of the Massachusetts Trial Court, as well as with federal judges in the U.S. District Court and Immigration Court. Clinical students are expected to be available to do research and writing projects for their assigned judge, and are expected to observe and assist their judge for at least 2 clinical credits, or eight hours per week. Students may earn up to five credits for additional fieldwork hours spent with their judge.  
Students must have at least one full day or two mornings available for their judicial placement.  
For more information, please contact Judge John C. Cratsley (Retired); [cratsley@socialaw.com](mailto:cratsley@socialaw.com) or [jcratsley@law.harvard.edu](mailto:jcratsley@law.harvard.edu).

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# Harvard Law School Course Catalog

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## Jurisprudence

**Course #:** 2140      **Term:** 2020FA      **Faculty:** Brewer, Scott      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 1:10 PM - 2:40 PM

Fri 1:10 PM - 2:40 PM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course will introduce and explore basic themes in jurisprudence. Topics include: competing explanations of the concept of law (among legal positivists, legal realists, natural law theorists, critical legal studies theorists), the role of social and political contest in lawmaking and law application, reason and rationality in legal argument, the role of virtue in judging and lawyering, and the values that do or should guide legal factfinding. Readings are from legal theorists and philosophers, and illustrative materials from cases, statutes, and constitutional provisions.  
Open to cross-registrants from other schools.

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# Harvard Law School Course Catalog

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## Jurisprudence: Legal Ideals

**Course #:** 2140      **Term:** 2020FA      **Faculty:** Sargentich, Lewis      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

The liberal ideal of legality yields both formalization of law (law as formal rules or doctrines) and idealization of law (law as principles and policies). The course examines formalization as portrayed by modern legal positivism (mainly H.L.A. Hart) and criticized by American legal realists. Then we will undertake a study of the idealizing tendency within law. We will consider accounts of legal ideals offered by liberal jurisprudence (mainly Fuller, Hart and Sacks, and Dworkin) and by contemporary critical jurisprudence.

Readings include some illustrative cases and commentary on particular legal doctrines and fields, though the focus is on more highly general theoretical argument. The course aims to develop a definite thesis about the structure and character of legal ideals and to provide a connected account of phenomena emphasized by critical legal studies such as theory in doctrine, conflicting ideals, legal ideology, legal legitimation, and transformative possibility.

Readings for the course are photocopied materials.

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# Harvard Law School Course Catalog

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## Knowledge As Power in Law and Science

**Course #:** 2082      **Term:** 2021SP      **Faculty:** Kennedy, David; Jasanoff, Sheila      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: By permission. Interested students should send the faculty a short statement of interest.

Exam Type: No Exam  
Evaluation is a final take home essay.

How do ideas about law and science shape the contours of the contemporary world? Knowledge underwrites legal authority - but how exactly? How do ideas about what is natural, right or ordained become powerful, hegemonic? Both law and science rely on experts to define the basic coordinates by which we locate ourselves and recognize each other, as members of collectives, actors in institutions, and selves possessing subjectivity. But how does each conceive the others role, and affirm or resist it? In this course, we will read and discuss literature from social theory, law, and science and technology studies that bears on these questions, alongside case studies that illuminate expertise in action in a variety of professional, scientific, and legal settings.

Note: This course is jointly-listed with HKS as IGA-518.

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# Harvard Law School Course Catalog

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## Labor & Employment Lab

**Course #:** 2845      **Term:** 2021SP      **Faculty:** Sachs, Benjamin      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Employment and Labor Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: By Permission. Students interested in applying to join the Lab should submit a short (500 word maximum) statement of interest to Professor Sachs by November 5th, 2020. The statement should summarize the student's motivation for taking the Lab and any relevant experience (academic or professional) the student has.

Exam Type: No Exam

In this two unit course, students will generate and publish writing on labor and employment law, labor politics, and contemporary labor market trends including developments related to the on-demand/sharing economy. Class meetings will be highly interactive and collaborative. Part of each class session will be dedicated to developing research topics and part will be dedicated to discussing each others work. Students will be required to write four substantive posts of approximately 750-1000 words each to be published on the OnLabor blog ([www.onlabor.org](http://www.onlabor.org)). The course will provide students interested in labor and employment the opportunity to research and write on cutting edge issues and to publish their work for a live and extensive audience.

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## Labor History and the Law

**Course #:** 2459      **Term:** 2020FA      **Faculty:** Weinrib, Laura      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Employment and Labor Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

**Course Description:** Prerequisite: None

Exam Type: No Exam

This seminar examines the historical relationship between American workers and the law. It focuses on legal contests over workers' rights in the courts, legislatures, and administrative agencies during the late-nineteenth and twentieth centuries. Readings explore the ways in which law has shaped labor solidarity, class formation, and strategies for organization and resistance. They also consider the influence of organized labor and of labor law on mobilization for social change, including the movements for civil liberties and civil rights. The seminar concludes by exploring current trends in American labor relations.

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# Harvard Law School Course Catalog

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## Labor Law

**Course #:** 2142      **Term:** 2021SP      **Faculty:** Sachs, Benjamin      **Credits:** 4.00  
**Type:** Elective      **Subject Areas:** Employment and Labor Law; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Course Description:** Prerequisite: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course will focus on the statutory, judicial, and administrative law governing the collective organization of workers and the interaction between such collective organizations and employers. The course will introduce students to the basics of traditional labor law and will explore how labor law is evolving in response both to innovative forms of labor management relations and to changes in the composition of the U.S. labor force. The class will consider the legal status of privately negotiated processes for organizing and recognizing unions, state and local approaches to labor law innovation, and new forms of workplace organization. We will also explore the intersection of labor and immigration law, union participation in the political process, and emerging forms of worker organizing that rely not on the National Labor Relations Act but on other statutory regimes.

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Harvard Law School Course Catalog

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Law and Economic Development

Course #: 2145      Term: 2020FA      Faculty: Kennedy, David      Credits: 4.00  
Type: Elective      Subject Areas: Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law; Legal & Political Theory

Delivery Mode: Course

Days and Times:      Location

Mon 1:00 PM - 3:00 PM  
Tue 1:00 PM - 3:00 PM

Course Description: Students who enroll in this offering may count the credits towards the JD international/comparative requirement.  
Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course will explore past and present debates about the role of the legal order in economic development. We will explore the relationships among economic ideas, legal ideas and the development policies pursued at the national and international level in successive historical periods. We will focus on the potential for an alliance of heterogenous traditions from economics, law and other disciplines to understand development.

Textbook(s):  
REQUIRED  
James Cypher, The Process of Economic Development (Routledge, 4rd edition, 2014)  
Gerald M. Meier, Biography of a Subject: An Evolution of Development Economics (Oxford University Press, 2004)  
Raphael Kaplinsky, Globalization, Poverty and Inequality (Polity Press, 2007)  
Victor Bulmer-Thomas, The Economic History of Latin America Since Independence, (Cambridge University Press, 3rd edition, 2014)

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## Law and Economics

**Course #:** 2146      **Term:** 2020FA      **Faculty:** Kaplow, Louis; Shavell, Steven      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law; Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: None  
Exam Type: No Exam

This seminar will provide students with exposure to ongoing research in the economic analysis of law. At most of the meetings, invited speakers from Harvard and other universities will present works in progress. Students are required to submit, before sessions, brief written comments on the papers to be presented.

Enrollment in either or both terms is permitted. Some background in economics or law and economics is helpful; however, knowledge of technical economics is unnecessary.

Textbook(s):  
Shavell, Steven, Foundations of Economic Analysis of Law, Harvard Press, 2004 (Recommended/optional)  
Posner, Richard, Economic Analysis of Law, Aspen Casebook Series, 2014 (Recommended/optional)

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# Harvard Law School Course Catalog

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## Law and Economics

**Course #:** 2146      **Term:** 2021SP      **Faculty:** Kaplow, Louis; Shavell, Steven      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law; Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: None  
Exam Type: No Exam

This seminar will provide students with exposure to ongoing research in the economic analysis of law. At most of the meetings, invited speakers from Harvard and other universities will present works in progress. Students are required to submit, before sessions, brief written comments on the papers to be presented.

Enrollment in either or both terms is permitted. Some background in economics or law and economics is helpful; however, knowledge of technical economics is unnecessary.

Textbook; ;  
Shavell; Steven; Foundations of Economic Analysis of Law; Harvard Press; 2004  
;Recommended;optional;  
Posner; Richard; Economic Analysis of Law; Aspen Casebook Series; 2014 ;  
Recommended;optional;

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# Harvard Law School Course Catalog

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## Law and Neuroscience

**Course #:** 2707      **Term:** 2021SP      **Faculty:** Gertner, Nancy      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Criminal Law and Procedure; Disciplinary Perspectives & Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 5:15 PM - 7:15 PM

**Course Description:** Exam Type: No Exam

This seminar examines cutting edge and even controversial linkages between law and neuroscience. We seek to highlight neuroscientific basis for behavior patterns with legal implication including how neuroscience intersects with criminal law, its normative assumptions and criminal punishment, evidentiary rules, memory bias and enhancement, lie and deception detection, adolescent brains and juvenile law. We will look critically at efforts to use neuroimaging in court in connection with in the prediction of criminality and predispositions towards mental illness and addiction, as well as efforts to identify neurobiological influences on the brain. Is there such a thing as a criminally violent brain? Does it make sense to speak of the neurobiology of violence or the psychopathology of crime, and how are (or should) such concepts translated into criminal law. The seminar will necessarily lead us to consider the relationship between law and science, more generally, and neuroscience in particular. Speakers will provide insights into their work and research.

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# Harvard Law School Course Catalog

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## Law and Political Economy?

**Course #:** 2630      **Term:** 2020FS      **Faculty:** Kennedy, David      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No ExamEvaluation is a final take home essay.  
Around the world, questions of "political economy" are back on the agenda, arrangements long taken for granted open to question, often in the name of "inequality." This two credit year long course will consider left liberal and more radical intellectual traditions for thinking about political economy and what law has to do with it. Along the way, we will contrast alternative ideas about how the great disparities in wealth, status and authority arise, are reproduced and might be reduced. Is inequality the right frame? Or something more like subordination, exploitation or expropriation? Is law primarily a reformer’s tool - or something more fundamental to the reproduction of hierarchies? What would it mean to rethink or remake the foundations for political and economic life, either nationally or globally?  
Emeritus Professor Duncan Kennedy will participate in course discussions.  
Note: This course will meet for six sessions in each semester; exact dates TBD.

Textbook(s):  
REQUIRED  
Nancy Fraser, Rahel Jaeggi, Capitalism: A Conversation in Critical Theory (2018)  
OPTIONAL  
Daniel Markovits, The Meritocracy Trap: How America’s Foundational Myth Feeds Inequality, Dismantles the Middle Class and Devours the Elite (Penguin Press, 2019)  
Thomas Piketty, Capital in the Twenty-First Century (2014)  
Thomas Piketty, Capital and Ideology (Harvard University Press, 2020)

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## Law and Politics Workshop

**Course #:** 3022      **Term:** 2021SP      **Faculty:** Stephanopoulos, Nicholas      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Government Structure & Function; Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This workshop is devoted to learning about, discussing, and critically evaluating new scholarly work on law and politics. A series of outside speakers, drawn from both law schools and political science departments, will present recent or forthcoming papers on election law and/or American politics. In the session before each outside speaker visits, we will read and talk about related work that helps us to assess the speakers contribution. Students will have the option of writing either a number of response papers or a single research paper.

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## Law and Psychology: The Emotions

**Course #:** 2151      **Term:** 2020FA      **Faculty:** Cope, David      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam Students will be asked to write short papers (1-2 pages) on each weeks readings. There will be no required final examination or term paper.

Love, jealousy, guilt, anger, fear, greed, compassion, hope, and joy play important roles in the lives of lawyers and those with whom they interact. The most effective lawyers are not just good thinkers, they are also empathic students of human emotions. This seminar will offer students a chance to explore what is missing from the traditional law school rational actor model of human nature through discussion of readings, primarily from psychology (but with contributions from economics, biology, philosophy, and literature), about the nature and operation of the emotions, the use of emotion in persuasion and negotiation, emotions and the good life, and the role of emotions in moral and legal decision making.

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# Harvard Law School Course Catalog

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## Law, Economics and Psychology: Selected Topics

**Course #:** 3070      **Term:** 2021SP      **Faculty:** Bar-Gill, Oren      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Legal & Political Theory

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Mon 7:00 AM - 9:00 AM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
The law aims to control, guide, or facilitate many aspects of human behavior. To achieve these goals legal policymakers should benefit from an accurate account of how people make decisions. One leading account is the rational choice model of neoclassical economics. We will review the important contributions made by traditional economic analysis of law based on the rational choice model. Psychologists and behavioral economists are challenging the dominant rational choice account, arguing that in many circumstances the standard model fails to provide a satisfactory account of human decision-making. As a result, a new model is emerging - a model informed by a more nuanced understanding of decision-making. We will explore the implications of this new model for legal policy. Topics will include law enforcement, pre-trial settlement negotiations, contract law, and antidiscrimination law.

Note: This reading group will meet on the following dates: 1/25, 2/1, 2/8, 2/15, 2/22 and 3/1.

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# Harvard Law School Course Catalog

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## Lawyering for Justice in the United States

**Course #:** 1052

**Term:** 2021WI

**Faculty:** Gregory, Michael; Umunna, Dehlia;  
Caramello, Esme

**Credits:** 2.00

**Type:** 1lwinter

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 10:00 AM - 12:35 PM

Tue 10:00 AM - 12:35 PM

Wed 10:00 AM - 12:35 PM

Thu 10:00 AM - 12:35 PM

Fri 10:00 AM - 12:35 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
This course is co-taught by Professors Esme Caramello, Tyler Giannini, Michael Gregory, and Dehlia Umunna.

Note: This course is restricted to first-year J.D. students only.

The drop deadline for 1L January Experiential Term classes is December 4, 2020. Students may not drop a course if they do not have an offer to enroll in a different January Experiential Term course.

1L January Experiential Term courses are intensive learning courses. Class attendance is required in each course every day of the term, beginning Tuesday, January 5th. Students should plan accordingly and should not take on other work commitments during the term.

Exam Type: No Exam

Many students come to Harvard Law School to learn to correct injustices they have experienced or observed. Lawyering promises to be a concrete method of social justice problem solving, a set of tools that the lawyer can use to make a positive difference. But what does it really look like to "lawyer for justice"? The strategies and tactics of public interest lawyers vary widely depending on their clients, their causes, their geography, and their own interests, talents, and expertise. How do you choose how to lawyer? What tools in the lawyers toolkit are best suited to your task? And what are the limits on the lawyers role? How do lawyers situate themselves in the ecosystem of change agents, offering their unique skills (and credentials) while making space to learn and benefit from other voices and methodologies?

This course will help first-year students explore these foundational questions through sessions led by experienced practitioners. Each day will be devoted to a different social justice problem - immigration, predatory lending, human rights, criminal justice, education, housing, building a solidarity economy, and more - and we will explore what it means to lawyer for justice through discussions and exercises that offer first-hand experience of a wide range of lawyering dilemmas and approaches. Collectively, the sessions will cover a diverse set of lawyering techniques, including impact litigation, legislative and policy advocacy, transactional work, community lawyering, media advocacy, system mapping, and the representation of individuals in proceedings in unjust systems. Finally, we will explore what the collective experience of 2020 - with a global pandemic, an intensifying movement for racial justice, and a divisive national election - will mean for social justice lawyering in the United States moving forward.



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Note: There may be days throughout the winter term that require attendance beyond the scheduled times. Please refer to the course syllabus and page for more information.

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# Harvard Law School Course Catalog

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## Leadership Fundamentals

**Course #:** 1058      **Term:** 2021WI      **Faculty:** Westfahl, Scott; Boak, Meredith      **Credits:** 2.00

**Type:** 1lwinter      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 10:00 AM - 12:35 PM

Wed 10:00 AM - 12:35 PM

Thu 10:00 AM - 12:35 PM

Fri 10:00 AM - 12:35 PM

Mon 10:00 AM - 12:35 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Note: This course is restricted to first-year J.D. students only.

The drop deadline for 1L January Experiential Term (JET) classes is December 4, 2020. Students may not drop a course if they do not have an offer to enroll in a different JET course.

1L JET courses are intensive learning courses. Class attendance is required in each course every day of the term, beginning Tuesday, January 5th. Students should plan accordingly and should not take on other work commitments during the term.

Exam Type: No Exam

Background: Harvard Law School graduates have a long history of leadership, drawing on the critical thinking, advocacy, and legal knowledge they learn at law school. This course introduces students to the fundamentals of effective leadership and helps them to explore and practice a variety of leadership approaches and skillsets. The course is highly interactive and team-based, allowing students to learn from each other and build stronger relationships among their peers. We learn about leadership through case studies, discussions and exercises, and also from guest speakers who are leading change in the legal profession, both in the public and the private sector.

Teaching goals of the course/who should consider this course: This course is designed for students who are interested in building a deeper understanding of leadership frameworks, practices, and tools to accelerate their ability to create impact as leaders.

Course content: We explore a variety of fundamental leadership frameworks and tools, including:

Personal leadership:

Understanding your own working style and preferences and how to work more effectively across lines of difference

Understanding motivational and influence psychology in order to gain buy-in as a leader

Developing effective listening skills, human-centered design interviewing, negotiating conflict, and giving and receiving feedback

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## Team leadership:

Working in teams and leveraging important research about what makes for effective teamwork, such as how to improve team performance and communication, and how to create inclusive team environments

Understanding and building team resilience to help teams adapt to uncertainty, failure and rapidly changing circumstances

## Leadership practices and frameworks:

Applying the leadership practice of public narrative and storytelling to drive change and grow personally and professionally

Applying design thinking principles to lead positive, human-centric changeApplying principles of adaptive leadership to thrive in uncertain times

## Developing yourself as a leader:

Building professional and personal networks

Managing the increasingly complex levels of responsibility you encounter as you advance your career

Understanding career management strategies that help you grow and learn more effectively

Course structure and expectations: Through a mixture of leadership case studies with guest speakers, interactive exercises, and working in teams, students will explore the real-world skills and mindsets that leaders call upon to catalyze change across the legal profession. Instructors and teaching assistants will provide regular feedback to teams with respect to written and oral presentations. Especially because this is a team-based course, students are expected to attend each class in order to work in their teams and contribute to team assignments. Students will complete light homework assignments each evening, often with their assigned team.

Note: There may be days throughout the winter term that require attendance beyond the scheduled times. Please refer to the course syllabus and page for more information.

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# Harvard Law School Course Catalog

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## Leading from the Middle

**Course #:** 2161      **Term:** 2020FA      **Faculty:** DeFilippo, Mandy      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
This reading group explores how to be an effective leader and an agent for positive change during the first 10-15 years of one’s professional career. The reading group will feature a cross-disciplinary set of materials: traditional texts from literature, classics, philosophy and the social sciences; case studies and business texts; videos of speeches and talks. No specific background or knowledge is required. Key questions to be explored include:

What does “leadership” look like below executive officer or “C suite” level in a large organization? What defines leadership and opportunities to lead at this level?  
How do people learn and practice leadership skills in an effective way in the first part of their careers?  
Are there particular styles or methods of leadership that middle leaders can deploy effectively?  
What are some of the challenges that middle leaders face? How can middle leaders think strategically about those challenges?  
Can leaders “from the middle” be true agents for positive change within larger institutions or organizations? How do leaders “from the middle” identify opportunities to make changes or improvements - and, once identified, successfully implement those changes?

Note: This reading group will meet on the following dates: 9/28, 10/5, 10/19, 10/26, 11/9, and 11/16

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# Harvard Law School Course Catalog

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## Legal Architecture of Globalization: Money, Debt, and Development

**Course #:** 2896

**Term:** 2021SP

**Faculty:** Desan, Christine

**Credits:** 4.00

**Type:** Elective

**Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 9:30 AM - 11:30 AM

Fri 9:30 AM - 11:30 AM

**Course Description:** Students who enroll in this offering may count the credits towards the JD international/comparative requirement.

Prerequisites: None

Exam Type: Please refer to the Spring 2021 Exam Schedule

An integrated political economy now covers much of the globe. This course focuses on the monetary structure of that phenomenon as a matter created and contested in law. Trade, extraction, exchange, debt, and economic development – for centuries, all have depended on money as their medium. By examining the changing legal design of money, we will study globalization as a material, ideological, and distributive event of enormous significance. Early sovereigns prioritized domestic law, both public and private, in developing the rules that provide the basic matrix for exchange. Those rules created the mediums that carry value – including money, credit, and circulating capital. Nation-states today still claim sovereignty over those decisions; they are basic to self-determination and economic development. But the latitude for those decisions has changed. New monetary and financial relations now bind states, individuals, and other entities together and reconfigure the possibilities for their interaction.

We consider the way that political communities assert sovereignty in money and finance, the challenges that occur as different sovereign projects collide, interact, or compete with one another, and the character of the international orders that have resulted, including those of early Europe, the era of the Gold Standard, the Bretton Woods period, and the contemporary system. We will focus, in particular, on the advent and development of finance-based money, a form of liquidity based on sovereign debt and expanded by commercial banks and capital markets. We discuss how that finance-based form defines value, authority, and markets in the modern world, with attention to its influence shaping international law and international financial institutions, its role as the medium for much of modern globalization, and its implications for global and domestic inequality.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Legal History Workshop: Legal Pluralism

**Course #:** 3046      **Term:** 2020FA      **Faculty:** Donahue, Charles; Herzog, Tamar      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Legal History

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
This workshop aims to provide students with an historical perspective on the phenomenon of legal pluralism world-wide, but with a focus on the medieval and early modern worlds, Europe and its colonies. Assignments and class discussions will feature a mix of major works in the field of legal history, introducing students to critical methodologies and historiographical debates, and workshop presentations by leading historians currently writing on questions of legal pluralism. Further information about the topics to be covered will be available on the course website closer to the Fall semester.  
Law students will have the choice of adding a writing credit to this two-credit workshop by completing a substantial paper. Those who choose to write a substantial paper will receive three credits (two classroom, one writing) upon successful completion of the course; those who do not complete substantial papers will receive two classroom credits. All FAS graduate students who enroll in the workshop must complete a substantial paper and will receive four credits upon successful completion of the course.

Note: This course is jointly listed with FAS as History 2046. Use the Canvas site for that course.

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# Harvard Law School Course Catalog

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## Legal History: English Legal History

**Course #:** 2371      **Term:** 2021SP      **Faculty:** Donahue, Charles      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Legal History

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: The English Legal History course, either previously or concurrently, or the permission of the instructor, is required. Some materials in Latin and French will be studied, but neither language is required.

Exam Type: No Exam

An exploration of the sources of English legal history for those who wish to study the high medieval and early modern periods (roughly 1100-1600) in more depth than is possible in the introductory course. Three short papers will be required.

Note: This seminar is jointly-listed with FAS as History 2080. Students not writing their third-year papers in conjunction with this seminar should sign up for an hour of independent written work with Professor Donahue.

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# Harvard Law School Course Catalog

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## Legal Innovation Through Design Thinking

**Course #:** 2689      **Term:** 2020FA      **Faculty:** Westfahl, Scott; Yi, Daniel      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: None  
Exam Type: No Exam  
Students participating in this Legal Innovation Through Design Thinking seminar will have the opportunity to:

work collaboratively in small teams;  
learn and apply design thinking principles to address a meaningful challenge faced by a specific legal organization;  
work directly with the legal organization sponsoring the team’s challenge and propose a design-based solution to the organization’s challenge at the end of the semester.

Project sponsors in the past have included the U.S. Department of Justice, a legal services organization helping immigrant children with legal issues; a nonprofit lawyer professional development organization; an HLS Clinic and the HLS Career Services Office. Challenges have ranged from such issues to improving access to justice; designing a better client interview experience; and re-imagining a client’s knowledge sharing platform and systems to dramatically improve and help scale their impact in helping underprivileged clients.

The course will begin with an introduction to innovation and brainstorming in small teams, team dynamics, and preparing teams to innovate together successfully. The goal is to understand what makes for well-functioning teams and how such teams can more quickly and more effectively reach innovative breakthroughs. We will then delve more deeply into the art and practice of human centered design to help teams work with their project sponsors to develop their innovative proposals to address their sponsors challenges. The project sponsors will help students understand and frame the challenge to be addressed, and then will provide teams with feedback on prototypes and ideas as the design process of their innovative solution unfolds. Course instructors will coach teams and also help prepare them for their final presentations by building students’ presentation and business idea/pitch skills. Teams will make their final presentations to, and receive feedback from, their peers, project sponsors and a panel of "judges" - outside experts with deep subject matter expertise and experience.

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# Harvard Law School Course Catalog

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## Legal Policies, Randomized Control Trials, and Ethics

**Course #:** 2881      **Term:** 2021SP      **Faculty:** Greiner, D. James      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Tue 8:30 AM - 10:00 AM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
The legal profession is uniquely disdainful of evidence-based thinking. Nowhere is this disdain more overt than in the profession's resistance to the randomized control trial, the most powerful methodology currently available to assess the effectiveness of programs and interventions. This reading group will explore possible reasons for the profession's posture on scientific thinking; the costs of this posture; and the challenges (including ethical challenges) associated with generating credible evidence on what works in the legal settings.

Note: This reading group will meet eight times, 90 minutes per meeting, on the following dates: 1/26, 2/2, 2/9, 2/16, 2/23, 3/2, 3/9, 3/23.

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## Legal Problems in Cybersecurity and Cyber Conflict

**Course #:** 2776      **Term:** 2021SP      **Faculty:** Edgar, Timothy      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 3:00 PM - 5:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

Cybersecurity and cyber conflict pose unique legal problems for governments, companies and citizens. The way those problems are resolved will shape the future of the internet. The United States has established a new military command for cyberspace while simultaneously touting the "freedom to connect" as an aspect of fundamental human rights. Computer systems and networks remain insecure, as sensitive commercial and government data continues to be leaked or stolen at increasing rates. This course will examine the legal problems confronting the United States and its international partners in addressing network and computer insecurity while upholding privacy, civil liberties and other fundamental values.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Legal Profession

**Course #:** 2169      **Term:** 2020FA      **Faculty:** Wacks, Jamie      **Credits:** 3.00

**Type:** Legalprof      **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 8:40 AM - 10:10 AM

Tue 8:40 AM - 10:10 AM

**Course Description:** Students who enroll in this course may count the credits towards the JD professional responsibility requirement.  
Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course will explore the rules and the standards of professional responsibility and legal ethics through the lens of historical and modern examples of the challenges inherent in daily legal practice. We will draw on real world situations that confront lawyers as individuals and as members of larger organizations in a rapidly changing legal market in a variety of settings. We will examine the often competing pressures on lawyers and the standards of ethics that guide legal conduct, including reconciling the duties that lawyers have to their clients, to the courts, and to the bar as a whole. We will consider the ethics of invoking stereotypes and other strategies to advance a clients legal position, including in high profile trials and other narratives. In contemplating the kind of law you wish to practice and the kind of lawyer you want to be, we will explore issues of professional responsibility that arise as lawyers change jobs and areas of focus, in both the civil and the criminal settings, as plaintiff lawyers and defense lawyers, as criminal prosecutors, and as transactional lawyers. We also will consider lawyers professional responsibilities concerning access to justice, and the changing demographics of lawyers and clients. As we navigate each of these topics, we may discuss historical and literary perceptions of lawyers and their roles in society, and how these perceptions may inform your own career paths.

Note: This course is only available to JD 3Ls and LLM students.

Textbook(s):

Kaufman, Wilkins, Wald & Swisher, Problems in Professional Responsibility for a Changing Profession, Sixth Edition, Carolina Academic Press (2017), ISBN 978-1-61163-893-6  
Dzienkowski, Professional Responsibility Standards, Rules, and Statutes, 2020&ndash;2021, Abridged Edition, ISBN 978-1-68467-956-0 (Publication Date: 8/24/2020)

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Legal Profession

**Course #:** 2169      **Term:** 2020FA      **Faculty:** Wilkins, David; Boak, Meredith      **Credits:** 4.00

**Type:** Legalprof      **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this course may count the credits towards the JD professional responsibility requirement.  
Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course offers a look at the organization, economics, operation, and ideology of the legal profession. We will discuss history, current trends and recent developments in the organization and operation of law firms, legal services offices, government legal offices, and corporate legal departments. We will consider professional autonomy, commercialism, and regulation (by clients, by the courts, and by regulatory agencies). We will contrast US legal practice and regulation with other professions in the US (e.g., medicine, accounting, engineering), as well as with legal practice and regulation in other countries, and the prospect for changes driven by globalization and cross-border trade in legal services. We will consider the effects of increasing demographic diversity on the profession. We will discuss ethical problems most often encountered in legal practice, and the effects of the regulation of legal practice on the organizations and institutions that deliver legal services. We will focus on issues and problems faced by entrepreneurs considering whether to start-up a new legal services organization.

Note: This course is only available to JD 3Ls and LLM students.

Textbook(s):&nbsp; Professional Responsibility, Standards, Rules, and Statutes, Abridged, 2020-2021 John S. Dzienkowski ISBN: 9781684679560  
Problems in Professional Responsibility for a Changing Profession Sixth Edition by&nbsp;Andrew L. Kaufman,&nbsp;David B. Wilkins,&nbsp;Eli Wald,&nbsp;Keith Swisher ISBN: 978-1-61163-893-6

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# Harvard Law School Course Catalog

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## Legal Profession

**Course #:** 2169      **Term:** 2020FA      **Faculty:** Dacey, Timothy      **Credits:** 3.00

**Type:** Legalprof      **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 10:00 AM - 11:30 AM

Fri 10:00 AM - 11:30 AM

**Course Description:** Students who enroll in this course may count the credits towards the JD professional responsibility requirement.  
Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

Ethical issues can arise in any type of practice and at any point in a lawyers work, often unexpectedly, in medias res. In this course, students will learn how to identify and respond to such issues. The course will focus on the types of problems a lawyer will encounter in daily practice, especially in litigation and transactional work, and on the rules of professional conduct, case law and other considerations that a lawyer is expected to take into account in resolving such issues. We will examine issues both from the perspective of a lawyer starting out in practice and a more experienced lawyer with supervisory responsibility, and will consider the different types of practice and the different institutional settings in which such problems arise. In addition, we will discuss challenges to the professions legal and regulatory framework posed by developments such as outsourcing, the continuing growth of large, multi-national law firms, the increasing role of in-house counsel, and innovations in the marketing of legal services.  
Note: This course is only available to JD 3Ls and LLM students.

Textbook(s): Stephen Gillers, Roy D. Simon, and Andrew M. Perlman, Regulation of Lawyers: Statutes and Standards, Concise Edition 2019 (ISBN 978-1-5438-0430-0)  
Kaufman et al., Problems in Professional Responsibility, 6th Edition  
(<https://cap-press.com/books/isbn/9781611638936/Problems-in-Professional-Responsibility-for-a-Changing-Profession-Sixth-Edition>)

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Legal Profession

**Course #:** 2169      **Term:** 2020FA      **Faculty:** Gordon-Reed, Annette      **Credits:** 3.00

**Type:** Legalprof      **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

**Course Description:** Students who enroll in this course may count the credits towards the JD professional responsibility requirement.  
Prerequisite: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course considers three categories of materials. First, we will study the nature of professionalism in American society with readings and problems dealing with practical issues of professional responsibility faced by lawyers in the daily routine of private practice. Second, we will deal with issues faced by the profession as a whole, including the ways of providing effective legal services to all members of the community, regulation of competition, and the imposition of professional discipline. Third, we will also look at the organization and demographics of the profession, its units of practice, and what professional life is like in the twenty-first century. The course also invites students to address the questions: What kind of lawyer do I want to be, and to what kind of profession do I wish to belong?

Note: This course is only available to JD 3Ls and LLM students.  
Textbook(s): Problems in Professional Responsibility for a Changing Profession 6th Edition by Andrew L. Kaufman (Author), David B. Wilkins (Author) ISBN13: 9781611638936 ISBN10: 1611638933

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Legal Profession

**Course #:** 2169      **Term:** 2020FA      **Faculty:** Kaufman, Andrew      **Credits:** 3.00

**Type:** Legalprof      **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:20 AM - 11:50 AM

Tue 10:20 AM - 11:50 AM

**Course Description:** Students who enroll in this course may count the credits towards the JD professional responsibility requirement.  
Prerequisite: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule  
Grades will be based principally on a final in-class examination but also, to some extent, on class participation or assigned classroom exercises.

This course considers three categories of materials. First, we will study the nature of professionalism in American society with readings and problems dealing with practical issues of professional responsibility faced by lawyers in the daily routine of private practice. Second, we will deal with issues faced by the profession as a whole, including the ways of providing effective legal services to all members of the community, regulation of competition, and the imposition of professional discipline. Third, we will also look at the organization and demographics of the profession, its units of practice, and what professional life is like in the twenty-first century. The course also invites students to address the questions: What kind of lawyer do I want to be, and to what kind of profession do I wish to belong?

Note: This course is only available to JD 3Ls and LLM students.

Textbook(s): Kaufman, Wilkins, Wald & Swisher, Problems in Professional Responsibility for a Changing Profession (6th ed)

Publisher: Carolina Academic Press; Sixth Edition (August 25, 2017)

Language: English

ISBN-10: 9781611638936

ISBN-13: 978-1611638936

ASIN: 1611638933

Dzienkowski ed., Professional Responsibility Standards, Rules & Statutes (Abridged Edition 2019&ndash;2020)

Series: Selected Statutes

Paperback: 650 pages

Publisher: West Academic Publishing; 2019 edition (August 16, 2019)

Language: English

ISBN-10: 1684672236

ISBN-13: 978-1684672233

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# Harvard Law School Course Catalog

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## Legal Profession

**Course #:** 2169      **Term:** 2021SP      **Faculty:** Kaufman, Andrew      **Credits:** 3.00

**Type:** Legalprof      **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:20 AM - 11:50 AM

Tue 10:20 AM - 11:50 AM

**Course Description:** Students who enroll in this course may count the credits towards the JD professional responsibility requirement.  
Prerequisite: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

Grades will be based principally on a final examination&nbsp;but also, to some extent, on class participation or assigned classroom exercises.

This course considers three categories of materials. First, we will study the nature of professionalism in American society with readings and problems dealing with practical issues of professional responsibility faced by lawyers in the daily routine of private practice. Second, we will deal with issues faced by the profession as a whole, including the ways of providing effective legal services to all members of the community, regulation of competition, and the imposition of professional discipline. Third, we will also look at the organization and demographics of the profession, its units of practice, and what professional life is like in the twenty-first century. The course also invites students to address the questions: What kind of lawyer do I want to be, and to what kind of profession do I wish to belong? The materials will be Kaufman, Wilkins, Wald, and Swisher,&nbsp;Problems in Professional Responsibility for a Changing Profession (6th edition)(and supplementary materials), and Professional Responsibility Standards, Rules & Statutes (Dzienkowski, latest abridged edition).  
Note: This course is only available to JD 3Ls and LLM students.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Legal Profession - The New Market for Personal Legal Services: Ethical and Professional Challenges

**Course #:** 2169

**Term:** 2020FA

**Faculty:** Charn, Jeanne

**Credits:** 3.00

**Type:** Legalprof

**Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 1:15 PM - 2:45 PM

Thu 1:15 PM - 2:45 PM

**Course Description:**

Students who enroll in this course may count the credits towards the JD professional responsibility requirement.

Prerequisites: None

Exam Type: No Exam

Whether in solo, small firm or not for profit legal aid offices, new modes of serving clients of modest means offer promise of expanded access to legal advice and assistance but also pose ethical and professional challenges for the bar. This course explores new modes of practice such as: discrete task representation (unbundled legal services), collaborative law practice, advice and hot line services, on-line advice services, virtual law practices, and participation in court based lawyer of the day and other on-site assistance for self-represented litigants. In addition to a focus on the law and ethics of the profession, we will consider the implications of a rapidly changing profession for legal education, law practice management, the response of the organized bar to less lawyer-centric services, assuring service quality, assessing the outcome and cost-effectiveness of different approaches to service delivery, understanding the legal needs of people of modest means, and assuring that prospective consumers of legal services understand the service options available to them. In lieu of a final exam, students will, in consultation with the course instructor, develop a research project that reports on and analyzes the ethics, efficacy, and feasibility of new approaches to service delivery.

Some seats are reserved for students in the fall Delivery of Legal Services clinic. Students who enroll in the fall Delivery of Legal Services clinic will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student drops the fall Delivery of Legal Services clinic they will also lose their reserved seat in this course. Please note that this course has an early drop deadline of August 14, 2020 for students enrolled in reserved clinical seats.

Note: This course is only available to JD 3Ls and LLM students.

Textbook(s):

Reinventing the Practice of Law, edited by Luz Herrera and published by the ABA

Please note, a discount code is usually provided by the ABA for the above text. We expect that is is forthcoming.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Legal Profession - The New Market for Personal Legal Services: Ethical and Professional Challenges

**Course #:** 2169

**Term:** 2021SP

**Faculty:** Charn, Jeanne

**Credits:** 3.00

**Type:** Legalprof

**Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 3:20 PM - 4:50 PM

Wed 3:20 PM - 4:50 PM

**Course Description:** Students who enroll in this course may count the credits towards the JD professional responsibility requirement.  
Prerequisites: None  
Exam Type: No Exam  
Whether in solo, small firm or not for profit legal aid offices, new modes of serving clients of modest means offer promise of expanded access to legal advice and assistance but also pose ethical and professional challenges for the bar. This course explores new modes of practice such as: discrete task representation (unbundled legal services), collaborative law practice, advice and hot line services, on-line advice services, virtual law practices, and participation in court based lawyer of the day and other on-site assistance for self-represented litigants. In addition to a focus on the law and ethics of the profession, we will consider the implications of a rapidly changing profession for legal education, law practice management, the response of the organized bar to less lawyer-centric services, assuring service quality, assessing the outcome and cost-effectiveness of different approaches to service delivery, understanding the legal needs of people of modest means, and assuring that prospective consumers of legal services understand the service options available to them. In lieu of a final exam, students will, in consultation with the course instructor, develop a research project that reports on and analyzes the ethics, efficacy, and feasibility of new approaches to service delivery.  
Some seats are reserved for students in the spring Delivery of Legal Services clinic. Students who enroll in the spring Delivery of Legal Services clinic will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student drops the spring Delivery of Legal Services clinic they will also lose their reserved seat in this course. Please note that this course has an early drop deadline of December 4, 2020 for students enrolled in reserved clinical seats.  
Note: This course is only available to JD 3Ls and LLM students.

Textbook(s):

Reinventing the Practice of Law, edited by Luz Herrera and published by the ABA

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# Harvard Law School Course Catalog

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## Legal Profession Seminar

**Course #:** 2170      **Term:** 2021SP      **Faculty:** Wilkins, David; Fong, Bryon      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Legal Profession, Legal Ethics & Professional Responsibility; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam  
Students are required to write short response papers (around 2-pages) for each session, actively participate in the discussion, and to write a 10-page final paper on a topic relating to one of the seminars themes.

This seminar examines the changing nature of the legal profession. We will do so by engaging with leading academics and practitioners in a broad range of disciplines and settings who will present and discuss their work on cutting edge issues that are reshaping the profession and legal careers. Among the topics that the seminar will address are how globalization is reshaping the market for legal services particularly in Africa and other emerging economies, technology and other "disruptive innovations" in the market for legal services, diversity and inclusion in legal practice and legal education, new approaches to access to justice and professional development, and redesigning law schools and the workplace. Structured akin to a reading group, each session will revolve around an original piece of research on the legal profession relating to one of the themes.

Note: This seminar will not satisfy the Professional Responsibility requirement.

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# Harvard Law School Course Catalog

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## Legal Profession: Collaborative Law

**Course #:** 2169

**Term:** 2020FA

**Faculty:** Hoffman, David

**Credits:** 3.00

**Type:** Legalprof

**Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 5:00 PM - 8:00 PM

**Course Description:** Students who enroll in this course may count the credits towards the JD professional responsibility requirement.  
Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

In addition to the final exam, students will submit a one-page reading response for each class. Readings for the course will be photocopied materials.

The practice of law has been transformed in recent years by the emergence of Collaborative Law and the role of settlement counsel. In these new forms of practice, the lawyer focuses on problem-solving and achieving an interest-based solution that works for all parties. Collaborative Law practice has been approved as consistent with the ABAs Model Rules of Professional Conduct, in a 2007 opinion by the ABA Ethics Committee. This course examines how Collaborative Law meshes with the requirements of the ABAs Model Rules of Professional Conduct, and in particular the Rules requirement of "zealous" advocacy. The course will examine such questions as the following: (a) in a setting in which the parties and counsel have agreed to negotiate cooperatively and share all relevant information, how do lawyers balance that expectation with the Model Rules requirement that lawyers protect the confidentiality of communications with their clients; (b) in Collaborative Law cases, where lawyers and clients agree that the lawyers shall be involved only in negotiations and are disqualified from representing the client in court, how do lawyers assure themselves that the clients are giving fully informed consent to these arrangements as required by the Model Rules; and (c) how do lawyers who are seeking to work cooperatively with each other and to seek solutions that meet the needs of all parties reconcile those objectives with their duty under the Model Rules of unfettered loyalty to their clients. This course will examine ethical dilemmas of this kind with case studies, role plays, and small group discussion. The course will also look comprehensively at the Model Rules and explore how lawyers can manage the tensions between the Rules and the norms of Collaborative Practice.

Note: This course is only available to JD 3Ls and LLM students.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Legal Profession: Government Ethics - Scandal and Reform

**Course #:** 2169      **Term:** 2021WI      **Faculty:** Rizzi, Robert; Borden, Charles      **Credits:** 3.00

**Type:** Legalprof      **Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 9:00 AM - 12:30 PM

Tue 9:00 AM - 12:30 PM

Wed 9:00 AM - 12:30 PM

Thu 9:00 AM - 12:30 PM

Fri 9:00 AM - 12:30 PM

**Course Description:** Students who enroll in this course may count the credits towards the JD professional responsibility requirement.  
Prerequisite: None

Exam Type: No Exam

The course will focus on the rapidly-changing legal system that is designed to regulate government ethics. The course will allow students to explore the legal and associated challenges for lawyers who represent clients in ethics-related matters, as well as for lawyers in the government who are charged with applying these complex and onerous rules to federal employees.

Over the past few years, numerous ethics-related scandals have led to a substantial overhaul of federal ethics law for all three branches of government, with the result that government employees are now subject to more stringent ethical restrictions than they have been in the past. At the same time, growing media scrutiny has made the reputational consequences to individuals and companies caught up in ethics scandals exceptionally severe, even in cases where no legal violation is ultimately established. Providing effective counsel to public sector and private sector clients thus increasingly requires an appreciation of both the legal and non-legal dimensions of ethics-related representations.

The course will concentrate primarily on the ethics rules that apply to individuals appointed to or serving in Executive Branch positions, although comparisons with rules in the other Branches will be addressed. The course will follow the timeline for appointees from initial selection to Senate confirmation, and will use case studies from recent administrations. The course will analyze the legal and practical questions that lawyers must address at each stage of government service, from initial appointment to departure from office. The course will also examine the ethics issues that arise for appointees upon their return to the private sector.

The course will involve readings from a wide range of sources; examination of a number of case studies; analysis of statutes, regulations and case law; and discussion of various approaches to the regulation of ethical behavior by government officials. Students will be expected to become familiar with the principal rules and authorities and with the basic tools used to regulate ethical behavior of government officials and with the role of the lawyer - both in the government and in the private sector - in the representation of parties involved in the system of government ethics.

Note: This course is only available to JD 3Ls and LLM students.

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# Harvard Law School Course Catalog

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## Legal Profession: Public Interest Lawyering

**Course #:** 2169

**Term:** 2021SP

**Faculty:** Wacks, Jamie

**Credits:** 3.00

**Type:** Legalprof

**Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 10:00 AM - 11:30 AM

Fri 10:00 AM - 11:30 AM

**Course Description:** Students who enroll in this course may count the credits towards the JD professional responsibility requirement.

Prerequisite: None

Exam Type: Please refer to the Spring 2021 Exam Schedule

This course will explore the application of the rules and the standards of professional responsibility and legal ethics to daily legal practice with a focus on public interest lawyers, broadly defined to include lawyers who practice as individuals and as members of public interest law organizations, government organizations, legal aid organizations, and other kinds of non-profit organizations. We will contrast those applications to the implementation of these rules and standards in private practice, including in pro bono cases handled by private attorneys. We will examine the competing pressures on lawyers and the standards of ethics that guide legal conduct, including reconciling the duties that lawyers have to their individual clients, to their organizational clients, to a cause, to the courts, and to the bar. We also will consider lawyers professional responsibilities concerning access to justice, lawyering with limited resources, and the changing demographics of lawyers and clients. We will explore issues of professional responsibility that arise as lawyers change jobs and areas of focus, in civil and criminal settings, government practice, public interest lawyering, legal aid work, and private practice. This course will also address lawyer well-being, self-care, and work-life balance in the face of these changes and challenges.

Note: This course is only available to JD 3Ls and LLM students.

Textbook&#40;s&#41;&#58;

Kaufman&#44; Wilkins&#44; Wald&#44; and Swisher&#44; Problems in Professional Responsibility for a Changing Profession&#44; Sixth Edition &#40;Carolina Academic Press 2017&#41; ISBN&#58; 9781611638936

Ed&#46; John S&#46; Dzienkowski&#44; Professional Responsibility Standards&#44; Rules&#44; and Statutes&#44; 2020&#8211;2021 Abridged Edition&#44; West Academic Publishing ISBN&#58; 9781684679560

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Legal Research, Writing and Analysis I

**Course #:** 2541      **Term:** 2020FA      **Faculty:** Taggart, Christopher      **Credits:** 1.00

**Type:** Lrwa      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

**Course Description:** Prerequisites: None

Exam Type: No Exam

This series of lectures and discussions introduces foreign-educated LL.M. students to the foundations of the U.S. legal system and the fundamentals of legal research, writing, and analysis. Exploring how U.S. lawyers analyze and frame legal positions, course topics will include: a comparative look at the American common law system and foreign civil law systems, the hierarchy of legal authorities, how to read a common law case, analogizing and distinguishing cases, avoiding plagiarism in American legal writing, and an introduction to the basics of American legal philosophy. It will meet during LL.M. Orientation in late August. Additionally, the course presupposes completion all the "OL" materials that will be made available online by the first week of August.

Note: This course is graded Credit/Fail; attendance at all sessions is mandatory.

Enrollment is limited to foreign-educated LL.M. students.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Legal Research, Writing and Analysis II

**Course #:** 2541      **Term:** 2020FA      **Faculty:** Taggart, Christopher      **Credits:** 2.00

**Type:** Lrwa      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 6:30 AM - 7:30 AM

Thu 6:30 AM - 7:30 AM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This course teaches foreign-educated LL.M. students how U.S. lawyers conduct legal research, analyze and frame legal positions, and present their work in writing. It builds on the lectures and work completed in the LRWA I series that occurs during August orientation. During the fall semester, students deepen their research, writing, and analytical skills by engaging in independent legal research, preparing drafts of legal memoranda, and revising their written work in response to instructor feedback.

Note: Enrollment is limited to foreign-educated LL.M. students and is designed specifically for those who wish to qualify for the New York State Bar Exam. This course provides one additional credit beyond the LWRA I course taken during orientation.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Legal Research, Writing and Analysis II

**Course #:** 2541      **Term:** 2020FA      **Faculty:** McKinney, Alexandra      **Credits:** 2.00

**Type:** Lrwa      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 8:00 PM - 9:00 PM

Tue 8:00 PM - 9:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This course teaches foreign-educated LL.M. students how U.S. lawyers conduct legal research, analyze and frame legal positions, and present their work in writing. It builds on the lectures and work completed in the LRWA I series that occurs during August orientation. During the fall semester, students deepen their research, writing, and analytical skills by engaging in independent legal research, preparing drafts of legal memoranda, and revising their written work in response to instructor feedback.

Note: Enrollment is limited to foreign-educated LL.M. students and is designed specifically for those who wish to qualify for the New York State Bar Exam. This course provides one additional credit beyond the LWRA I course taken during orientation.

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# Harvard Law School Course Catalog

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## Legal Tools for Protecting Democracy and the Rule of Law in America

**Course #:** 2994      **Term:** 2020FA      **Faculty:** Berwick, Ben; El-Mallawany, Deana      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Thu 3:00 PM - 5:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Democracy and the Rule of Law Clinic (2-5 fall clinical credits). The clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: August 14, 2020.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

This seminar is required for all students enrolled in the Democracy and the Rule of Law Clinic. The course will involve a brief introduction to the substantive issues relevant to the clinic, including risks to democracy in America, and traditional rule of law checks within and beyond the executive branch. We will then focus on the set of integrated advocacy tools available to the public and other government actors to protect our democratic and rule of law institutions. This will include transparency and oversight approaches; the development and conduct of effective litigation raising constitutional, administrative law, and statutory issues; and other tools to prompt pro-democratic reform. Finally, the course will end with consideration of longer-term legal and policy challenges to constitutional democracy in the United States, and potential solutions. Through regular presentations and discussions, students will also have the opportunity to generate creative advocacy ideas, develop their Clinic work, and receive feedback from their Clinic colleagues.

Please see the Democracy and the Rule of Law Clinic course description for additional information.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Legal Tools for Protecting Democracy and the Rule of Law in America

**Course #:** 2994

**Term:** 2021SP

**Faculty:** Nadeau, Genevieve; Berwick, Ben

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Thu 3:00 PM - 5:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Democracy and the Rule of Law Clinic (2-5 spring clinical credits). The clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: December 4, 2020.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

This seminar is required for all students enrolled in the Democracy and the Rule of Law Clinic. The course will involve a brief introduction to the substantive issues relevant to the clinic, including risks to democracy in America, and traditional rule of law checks within and beyond the executive branch. We will then focus on the set of integrated advocacy tools available to the public and other government actors to protect our democratic and rule of law institutions. This will include transparency and oversight approaches; the development and conduct of effective litigation raising constitutional, administrative law, and statutory issues; and other tools to prompt pro-democratic reform. Finally, the course will end with consideration of longer-term legal and policy challenges to constitutional democracy in the United States, and potential solutions. Through regular presentations and discussions, students will also have the opportunity to generate creative advocacy ideas, develop their Clinic work, and receive feedback from their Clinic colleagues.

Please see the Democracy and the Rule of Law Clinic course description for additional information.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Legal Writing: Advanced

**Course #:** 2178

**Term:** 2020FA

**Faculty:** Burling, Philip

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 3:20 PM - 4:20 PM

Wed 3:20 PM - 4:20 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisites: Open to 2nd and 3rd year JD students. For LLM students, instructor permission is required  
Exam Type: No Exam  
This course provides advanced training in legal writing across the range of situations typically met by the practicing lawyer and in the ways that different types of legal writing help to solve clients problems. Using the format of a small class and one-on-one sessions with the instructor, this course will examine the way that practicing lawyers use writing for the varying types of tasks which they perform. The course asks students to distinguish between the types of writing that lawyers use for transactions, litigation, statutes, and client communication and helps them to decide how to use those four types of legal writing in particular situations. Each class session will explore a factual situation that calls for a type of legal writing. After each class, there will be a short writing assignment asking the student to deal with the problem in a paper using the relevant type of legal writing. Between classes, students will meet with the instructor to go over his comments and edits in the way that a junior lawyer can expect to meet with a superior in a law office.  
Note: The course will be graded on a Credit/Fail basis.  
Textbook(s):  
Suggested Readings on Grammar and Styles\* Strunk and White, The Elements of Style Kolln and Funk, Understanding English Grammar Bryan Garner, The Elements of Legal Style Bryan Garner, Legal Writing in Plain English Steven Stark, Writing to Win Richard Neuman, Legal Reasoning and Legal Writing Armstrong & Terrell, Thinking Like a Writer  
Legal Writing Legal Writing by Hon. Robert E. Bacharach (Recommended) The Sense of Style by Steven Pinker (Recommended) Point Made by Ross Guberman (Recommended)  
\*None of these books are required reading, nonetheless the grammar we barely remember being taught in grade school and/or identifying common flaws in lawyerlike writing.  Strunk and White can be read in an hour or two and is a classic commentary on modern English usage. The two chapters in Kolln and Funk are particularly useful explanations of English grammar, but they assume familiarity with terminology and is defined in earlier portions of the book.  Bryan Garner has become the leading guru for legal writing and has even coauthored a treatise on appellate writing with Justice Scalia.  The other authorities are useful and will be excerpted in assignments during the course.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Legal Writing: Advanced

**Course #:** 2178      **Term:** 2021SP      **Faculty:** Burling, Philip      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 3:20 PM - 4:20 PM

Wed 3:20 PM - 4:20 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisites: Open to 2nd and 3rd year JD students. For LLM students, instructor permission is required.  
Exam Type: No Exam  
This course provides advanced training in legal writing across the range of situations typically met by the practicing lawyer and in the ways that different types of legal writing help to solve clients problems. Using the format of a small class and one-on-one sessions with the instructor, this course will examine the way that practicing lawyers use writing for the varying types of tasks which they perform. The course asks students to distinguish between the types of writing that lawyers use for transactions, litigation, statutes, and client communication and helps them to decide how to use those four types of legal writing in particular situations. Each class session will explore a factual situation that calls for a type of legal writing. After each class, there will be a short writing assignment asking the student to deal with the problem in a paper using the relevant type of legal writing. Between classes, students will meet with the instructor to go over his comments and edits in the way that a junior lawyer can expect to meet with a superior in a law office.  
Note: This course will be graded on a Credit/Fail basis.

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## Legislation and Regulation 1

**Course #:** 1003      **Term:** 2020FA      **Faculty:** Tarullo, Daniel      **Credits:** 4.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:20 PM - 2:40 PM

Thu 1:20 PM - 2:40 PM

Fri 1:20 PM - 2:40 PM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course is an introduction to lawmaking in the modern administrative state. It will examine the legislative process by which Congress passes statutes; the interpretation of statutes by administrative agencies and courts; the structural position of administrative agencies in the constitutional system; the process of agency rulemaking; the institutional dynamics of agency policymaking and policy implementation; and judicial review of agency action.

Textbook(s): Manning & Stephenson, Legislation and Regulation (3rd edition 2017)

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# Harvard Law School Course Catalog

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## Legislation and Regulation 2

**Course #:** 1003      **Term:** 2020FA      **Faculty:** Davies, Susan      **Credits:** 4.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 9:30 AM - 11:30 AM

Fri 9:30 AM - 11:30 AM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

Legislation and Regulation is an introduction to lawmaking in the modern administrative state. It will examine the way Congress and administrative agencies adopt binding rules of law (statutes and regulations, respectively) and the way that implementing institutions - courts and administrative agencies - interpret and apply these laws. It will consider, in particular, the justifications for modern regulation, the structure of the modern administrative state, the incentives that influence the behavior of the various actors, and the legal rules that help to structure the relationships among Congress, the agencies, and the courts.

## Legislation and Regulation 3

**Course #:** 1003      **Term:** 2020FA      **Faculty:** Stephenson, Matthew      **Credits:** 4.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 12:00 PM - 1:20 PM

Thu 10:40 AM - 12:00 PM

Fri 10:40 AM - 12:00 PM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course is an introduction to lawmaking in the modern administrative state. It will examine how Congress and administrative agencies adopt binding rules of law (statutes and regulations, respectively) and the ways that implementing institutions &ndash; courts and administrative agencies &ndash; interpret and apply these rules. The course will consider the structure of the modern administrative state, the incentives that influence the behavior of the various actors, and the legal rules that help to structure the relationships among Congress, the agencies, and the courts.

The text for the course is MANNING & STEPHENSON EDS., LEGISLATION AND REGULATION, 3D EDITION (Foundation Press 2017).

## Harvard Law School Course Catalog

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### Legislation and Regulation 4

**Course #:** 1003

**Term:** 2020FA

**Faculty:** Freeman, Jody

**Credits:** 4.00

**Type:** 1course

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 3:40 PM - 5:00 PM

Tue 3:40 PM - 5:00 PM

Wed 3:40 PM - 5:00 PM

**Course Description:** Exam: Please refer to the Fall 2020 Tentative Exam Schedule

This course is an introduction to lawmaking in the modern administrative state. It will examine the legislative process by which Congress passes statutes; theories of statutory interpretation (including purposivism and textualism); tools and techniques of statutory construction (including semantic canons, substantive canons and the use of legislative history); the structural position of administrative agencies in the constitutional system; the process of agency rulemaking; and judicial review of agency action.

Textbook(s):

The casebook for the course is Manning & Stephenson, Legislation and Regulation (3d Ed.).

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### Legislation and Regulation 5

**Course #:** 1003

**Term:** 2021SP

**Faculty:** Renan, Daphna

**Credits:** 4.00

**Type:** 1course

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

**Course Description:** Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

Legislation and Regulation is an introduction to lawmaking in the modern administrative state. It will examine the way Congress and administrative agencies adopt binding rules of law (statutes and regulations, respectively) and the way that implementing institutions - courts and administrative agencies - interpret and apply these laws. It will consider, in particular, the justifications for modern regulation, the structure of the modern administrative state, the incentives that influence the behavior of the various actors, and the legal rules that help to structure the relationships among Congress, the agencies, and the courts.

Note: This course is open to JD 1Ls only.

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# Harvard Law School Course Catalog

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## Legislation and Regulation 6

**Course #:** 1003      **Term:** 2021SP      **Faculty:** Renan, Daphna      **Credits:** 4.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 10:00 AM - 12:00 PM

Fri 10:00 AM - 12:00 PM

**Course Description:** Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

Legislation and Regulation is an introduction to lawmaking in the modern administrative state. It will examine the way Congress and administrative agencies adopt binding rules of law (statutes and regulations, respectively) and the way that implementing institutions - courts and administrative agencies - interpret and apply these laws. It will consider, in particular, the justifications for modern regulation, the structure of the modern administrative state, the incentives that influence the behavior of the various actors, and the legal rules that help to structure the relationships among Congress, the agencies, and the courts.

Note: This course is open to JD 1Ls only.

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# Harvard Law School Course Catalog

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## Legislation and Regulation 7

**Course #:** 1003      **Term:** 2020FA      **Faculty:** Rakoff, Todd      **Credits:** 4.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 8:00 AM - 9:20 AM

Thu 8:00 AM - 9:20 AM

Fri 8:00 AM - 9:20 AM

**Course Description:** Exam type: Please refer to the Fall 2020 Tentative Exam Schedule

This course is an introduction to lawmaking in the modern administrative state. It will examine how Congress and executive agencies adopt binding rules of law (statutes and regulations, respectively) and the way that implementing institutions - courts and agencies - interpret and apply these rules. The course will consider theories and tools of statutory interpretation, the structure of the modern administrative state, the incentives that influence the behavior of the various actors, and the laws that structure the relationships among Congress, the agencies, and the courts.

Textbook(s):Administrative Law, Cases and Comments, by Strauss, Rakoff, Metzger, Barron and OConnell (2018) 12th Edition ISBN: 9781634608190

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## LGBTQ+ Advocacy Clinic

**Course #:** 8054      **Term:** 2020FA      **Faculty:** Chen, Alexander      **Credits:** 5.00  
**Type:** Clinic      **Subject Areas:** Constitutional Law & Civil Rights; Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Clinic  
**Days and Times:**

**Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Gender Identity, Sexual Orientation, and the Law (2 fall classroom credits).  
Students who enroll in this clinic will be enrolled in the required clinical course component by the Office of Clinical and Pro Bono Programs. This course is only offered in the fall. Students who are enrolled in the clinic in the spring must take the course in the fall. Note: having taken the Gender Identity and the Law course in Spring 2020 satisfies this co-/pre-requisite requirement.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: Clinic work is done at the WilmerHale Legal Services Center (Jamaica Plain).  
The Harvard LGBTQ+ Advocacy Clinic (HLAC) offers students the opportunity to work directly on cutting-edge issues involving LGBTQ+ rights, with a particular emphasis on issues affecting underrepresented communities within the LGBTQ+ community. Clinic offerings include local and national projects covering the spectrum of LGBTQ+ issues. Students will have the opportunity to engage in a range of work encompassing various strategies for advancing LGBTQ+ rights, including impact litigation and amicus work, policy and legislative advocacy, and direct legal services for LGBTQ+ clients. Students work under the direct supervision of the Clinic Director, Alexander Chen. Past projects have included:

Developing legal arguments for a First Amendment amicus brief in a federal case involving a professor challenging his termination by a state university for refusing to use a transgender student’s pronouns.  
Researching Supreme Court Eighth Amendment jurisprudence in support of an opposition to a petition for certiorari in a federal case involving access to gender confirmation surgery for a transgender inmate.  
Analyzing the impact of health law precedents upon potential constitutional challenges to state bills seeking to criminalize or penalize providing gender-affirming care to transgender minors.  
Assisting national transgender organizations in drafting public comments regarding University of California medical school partnerships with hospitals that operate under religious restrictions.  
Providing assistance to community members who have reached out to a LGBTQ+ legal information helpline.

# Harvard Law School Course Catalog

2020-2021 Academic Year

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## LGBTQ+ Advocacy Clinic

**Course #:** 8054

**Term:** 2021SP

**Faculty:** Chen, Alexander

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Constitutional Law & Civil Rights; Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Gender Identity, Sexual Orientation, and the Law (2 fall classroom credits).

Students who enroll in this clinic will be enrolled in the required clinical course component by the Office of Clinical and Pro Bono Programs. This course is only offered in the fall. Students who are enrolled in the clinic in the spring must take the course in the fall. Note: having taken the Gender Identity and the Law course in Spring 2020 satisfies this co-/pre-requisite requirement.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: August 31, 2020.

LLM Students: LLM students may apply to this clinic by submitting an application.

Placement Site: Clinic work is done at the WilmerHale Legal Services Center (Jamaica Plain).

The Harvard LGBTQ+ Advocacy Clinic (HLAC) offers students the opportunity to work directly on cutting-edge issues involving LGBTQ+ rights, with a particular emphasis on issues affecting underrepresented communities within the LGBTQ+ community. Clinic offerings include local and national projects covering the spectrum of LGBTQ+ issues. Students will have the opportunity to engage in a range of work encompassing various strategies for advancing LGBTQ+ rights, including impact litigation and amicus work, policy and legislative advocacy, and direct legal services for LGBTQ+ clients.

Students work under the direct supervision of the Clinic Director, Alexander Chen.

Past projects have included:

Developing legal arguments for a First Amendment amicus brief in a federal case involving a professor challenging his termination by a state university for refusing to use a transgender student's pronouns.  
Researching Supreme Court Eighth Amendment jurisprudence in support of an opposition to a petition for certiorari in a federal case involving access to gender confirmation surgery for a transgender inmate.  
Analyzing the impact of health law precedents upon potential constitutional challenges to state bills seeking to criminalize or penalize providing gender-affirming care to transgender minors.  
Assisting national transgender organizations in drafting public comments regarding University of California medical school partnerships with hospitals that operate under religious restrictions.  
Providing assistance to community members who have reached out to a LGBTQ+ legal information helpline.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Litigating in the Family Courts: Domestic Violence and Family Law Clinic

**Course #:** 8032

**Term:** 2020FA

**Faculty:** Yang, Marianna

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Litigating in Family Courts: Domestic Violence and Family Law Clinical Seminar (2 fall classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: August 14, 2020.

LLM Students: LLM students may apply to this clinic by submitting an application.

Placement Site: WilmerHale Legal Services Center (Jamaica Plain).

Students in the Domestic Violence and Family Law Clinic work directly with clients in matters of divorce, custody and visitation, abuse prevention, paternity, child support, guardianship, and second parent adoptions. Under close supervision of the clinical instructor, students manage all aspects of a family law case, including counseling clients, conducting factual investigation and legal research, developing case strategies, conducting and analyzing discovery, and drafting pleadings. In addition, students may have multiple court appearances in both Family and District Courts for motion hearings, restraining orders, pre-trial conferences, and/or status conferences. In addition, students negotiate directly with opposing attorneys, pro se opponents, and in court-mandated "dispute resolution" sessions. In cases scheduled for full trial, students conduct depositions, develop witness and exhibit lists, trial strategies and trial notebook, prepare and conduct direct- and cross-examinations of witnesses, make opening statements and closing arguments, and/or draft post-trial briefs and memoranda. Students may also have the opportunity to prepare and present trainings and workshops on relevant legal issues to health care providers and domestic violence advocates.

The Clinic addresses issues of custody, visitation, child and spousal support, health and life insurance, and the equitable division of marital property and debt in the context of divorce, paternity, modification, contempt, guardianship, and adoption actions.

In addition, the Clinic focuses on abuse prevention, safety, and making sure that domestic violence is not a barrier to a clients legal rights regarding custody, property division, and other aspects of family and domestic relations.

The Clinic also provides some direct legal services to the LGBT community, with a particular emphasis on family-related legal issues, such as custody, support and visitation, and second-parent adoptions.

In addition to direct legal services, the Clinic actively participates in creating systemic change and policy reform to ensure safety for domestic violence victims and survivors, and to improve overall justice in the field of domestic relations.

Due to the litigation emphasis of the clinics and court-related schedules, students are strongly encouraged to enroll for 4 or 5 clinical credits, however, students who can only enroll for 3 credits will be accommodated.

Please keep in mind that most court hearings and trials take place starting at 8:30 or 9am. Its recommended that you arrange your schedule to have as much morning availability as possible, in order to maximize your court-related opportunities. In addition, having a block of three or more hours is better than trying to come to the Center for fewer hours at one time.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Litigating in the Family Courts: Domestic Violence and Family Law Clinic

**Course #:** 8032

**Term:** 2021SP

**Faculty:** Yang, Marianna

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Litigating in Family Courts: Family/Domestic Violence Law Clinical Seminar (2 spring classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: December 4, 2020.

LLM Students: LLM students may apply to this clinic by submitting an application.

Placement Site: WilmerHale Legal Services Center (Jamaica Plain).

Students in the Family/Domestic Violence&nbsp;Law Clinic work directly with clients in matters of divorce, custody and visitation, abuse prevention, paternity, child support, guardianship, and second parent adoptions. Under close supervision of the clinical instructor, students manage all aspects of a family law case, including counseling clients, conducting factual investigation and legal research, developing case strategies, conducting and analyzing discovery, and drafting pleadings. In addition, students may have multiple court appearances in both Family and District Courts for motion hearings, restraining orders, pre-trial conferences, and/or status conferences. In addition, students negotiate directly with opposing attorneys, pro se opponents, and in court-mandated "dispute resolution" sessions. In cases scheduled for full trial, students conduct depositions, develop witness and exhibit lists, trial strategies and trial notebook, prepare and conduct direct- and cross-examinations of witnesses, make opening statements and closing arguments, and/or draft post-trial briefs and memoranda. Students may also have the opportunity to prepare and present trainings and workshops on relevant legal issues to health care providers and domestic violence advocates.

The Clinic addresses issues of custody, visitation, child and spousal support, health and life insurance, and the equitable division of marital property and debt in the context of divorce, paternity, modification, contempt, guardianship, and adoption actions.

In addition, the Clinic focuses on abuse prevention, safety, and making sure that domestic violence is not a barrier to a clients legal rights regarding custody, property division, and other aspects of family and domestic relations.

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In addition to direct legal services, the Clinic actively participates in creating systemic change and policy reform to ensure safety for domestic violence victims and survivors, and to improve overall justice in the field of domestic relations.

Due to the litigation emphasis of the clinics and court-related schedules, students are strongly encouraged to enroll for 4 or 5 clinical credits, however, students who can only enroll for 3 credits will be accommodated.

Please keep in mind that most court hearings and trials take place starting at 8:30 or 9am. Its recommended that you arrange your schedule to have as much morning availability as possible, in order to maximize your court-related opportunities. In addition, having a block of three or more hours is better than trying to come to the Center for fewer hours at one time.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Litigating in the Family Courts: Domestic Violence and Family Law Clinical Seminar

**Course #:** 2085

**Term:** 2021SP

**Faculty:** Yang, Marianna

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Criminal Law and Procedure; Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:**

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Required Clinic Component: Litigating in the Family Courts: Family/Domestic Violence Law Clinic (3-5 spring clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: December 4, 2020.

LLM Students: LLM students may apply to this clinic by submitting an application.

The Family/Domestic Violence Law clinical course provides students who are concurrently enrolled in the Legal Services Center Family/Domestic Violence Law Clinic, with the practical skills and substantive knowledge necessary to effectively advocate for their clients in and out of the courtroom. Objectives of the course include: developing practical lawyering skills to be applied in the clinical component and beyond; understanding the statutory and case law applicable in family law litigation; enhancing student understanding of the professional roles, values, and ethics involved in the practice of law; gaining insight into the unique challenges of low-income clients and victims of domestic violence; as well as analyzing and proposing legal advocacy approaches to contemporary family law issues. The course emphasizes a collaborative health-law approach to advocating for our client populations.

This course is hands-on and group-oriented. Most classes involve both small and large-group exercises and discussions. Throughout the course, students work on a hypothetical case from the initial client interview through the final disposition of the case. In a series of simulated group exercises, students conduct in-depth interviews with the client, write memoranda, prepare case and client theories, argue for and defend against Motions, manage discovery, counsel the client as the facts of the case evolve, engage in settlement negotiations on the clients behalf, and reflect on ethical issues encountered during the course of representation. In addition, students will prepare a memorandum and conduct a substantive presentation on one of their active real life cases at the Legal Services Center, and will lead class discussion on the case and on the larger ethical and legal questions it presents. There is no final examination or final paper for this course. Students will be evaluated based on their preparation for, and participation in, class exercises and discussions.

Due to the litigation emphasis of the clinics and court-related schedules, students enrolled in this course are strongly encouraged to enroll for 4 or 5 clinical credits, however, students who can only enroll for 3 credits will be accommodated.

Please keep in mind that most court hearings and trials take place starting at 8:30 or 9am. It's recommended that you arrange your schedule to have as much morning availability as possible, in order to maximize your court-related opportunities. In addition, having a block of three or more hours is better than trying to come to the Center for fewer hours at one time.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

March 28, 2023 3:22 PM

## Litigating in the Family Courts: Domestic Violence and Family Law Clinical Seminar

**Course #:** 2085

**Term:** 2020FA

**Faculty:** Yang, Marianna

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Family, Gender & Children's Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Required Clinic Component: Litigating in the Family Courts: Domestic Violence and Family Law Clinic (3-5 fall clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: August 14, 2020.

LLM Students: LLM students may apply to this clinic by submitting an application.

The Family/Domestic Violence Law clinical course provides students who are concurrently enrolled in the Legal Services Center Family/Domestic Violence Law Clinic, with the practical skills and substantive knowledge necessary to effectively advocate for their clients in and out of the courtroom. Objectives of the course include: developing practical lawyering skills to be applied in the clinical component and beyond; understanding the statutory and case law applicable in family law litigation; enhancing student understanding of the professional roles, values, and ethics involved in the practice of law; gaining insight into the unique challenges of low-income clients and victims of domestic violence; as well as analyzing and proposing legal advocacy approaches to contemporary family law issues. The course emphasizes a collaborative health-law approach to advocating for our client populations.

This course is hands-on and group-oriented. Most classes involve both small and large-group exercises and discussions. Throughout the course, students work on a hypothetical case from the initial client interview through the final disposition of the case. In a series of simulated group exercises, students conduct in-depth interviews with the client, write memoranda, prepare case and client theories, argue for and defend against Motions, manage discovery, counsel the client as the facts of the case evolve, engage in settlement negotiations on the clients behalf, and reflect on ethical issues encountered during the course of representation. In addition, students will prepare a memorandum and conduct a substantive presentation on one of their active real life cases at the Legal Services Center, and will lead class discussion on the case and on the larger ethical and legal questions it presents. There is no final examination or final paper for this course. Students will be evaluated based on their preparation for, and participation in, class exercises and discussions.

Due to the litigation emphasis of the clinics and court-related schedules, students enrolled in this course are strongly encouraged to enroll for 4 or 5 clinical credits, however, students who can only enroll for 3 credits will be accommodated.

Please keep in mind that most court hearings and trials take place starting at 8:30 or 9am. It's recommended that you arrange your schedule to have as much morning availability as possible, in order to maximize your court-related opportunities. In addition, having a block of three or more hours is better than trying to come to the Center for fewer hours at one time.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Local Government Law

**Course #:** 2181      **Term:** 2021SP      **Faculty:** Barron, David      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 3:00 PM - 5:00 PM

**Course Description:** Prerequisites: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course examines the possibility and desirability of decentralization of power in America. In the process of doing so, it focuses on issues such as federal and state control of city decision-making, the conflict between central cities and suburbs and among the suburbs themselves, alternatives to city-delivered services and to city taxation as a source of local revenue, and the ways in which racial and ethnic division fracture American metropolitan areas. Above all, this is a course about local democracy. For that reason, among others, active class participation is an integral part of the course and will be expected of every student enrolled in it.

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## M&A Litigation

**Course #:** 3009      **Term:** 2020FA      **Faculty:** Fried, Jesse      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: Admission to this seminar is by permission of the instructor. Students should send a CV and brief statement of their background and interest in corporate governance (including undergraduate major, relevant pre-HLS work experience, and courses taken in law school) to Professor Fried (jfried@law.harvard.edu). Applications should be sent after May 1st, and decisions will be made on a rolling basis.

Exam Type: No Exam

This seminar focuses on current topics in the corporate governance of the widely-held U.S. firms, with a focus this semester on M&A litigation. Most of the sessions will feature leading attorneys and other distinguished practitioners discussing cases, transactions, and current policy issues in M&A and corporate governance more generally.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Making Change When Change is Hard: the Law, Politics, and Policy of Social Change

**Course #:** 2578

**Term:** 2020FA

**Faculty:** Power, Samantha; Sunstein, Cass

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Constitutional Law & Civil Rights; Disciplinary Perspectives & Law; Government Structure & Function; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 3:00 PM - 5:00 PM

**Course Description:**

Prerequisites: None

Exam Type: No Exam

How does change happen? When, why, and how do people, and whole nations, come together to influence large-scale policies and actions on issues like the environment, equality, criminal justice? Why do revolutions occur? This course will try to answer these questions, and do so by exploring a diversity of efforts related to societal change. In an effort to draw general lessons for those interested in making change, we will assess a range of political and legal approaches; examine mass movements and the leadership by organizations, governments, and individuals; and attempt to gauge outcomes.

Using research from psychology, political science, and economics, and focusing on case studies, the course will explore the ideas behind several arguments: 1) big problems are rarely resolved with comparably big solutions, but instead are better met with small acts of reform; 2) coalition-building among strange bedfellows is usually indispensable; 3) agents of change fare best when they look to measure their impact and never lose sight of the real world results they seek, rather than the expressive highs along the way; 4) informational "cascades" are possible and critical, as people follow one another; and 5) group polarization can be both desirable and dangerous, as groups become more heated and more extreme.

Note: This course is jointly-listed with HKS as DPI-535.

Cross-registration petitions will be processed through HKS; please submit all cross-registration petitions to HKS.

Textbook(s): Amy&nbsp;Bach,&nbsp;Ordinary Injustice: How America Holds Court

<http://id.lib.harvard.edu/alma/990119313890203941/catalog> ISBN: 978-0805092271

Chip Heath and Dan Heath,&nbsp;Switch: How To Change Things When Change Is Hard&nbsp;

<http://id.lib.harvard.edu/alma/990123165980203941/catalog> ISBN: 978-0385528757

Wendy Pearlman,&nbsp;We Crossed A Bridge And It Trembled: Voices from Syria

<http://id.lib.harvard.edu/alma/990149477410203941/catalog> ISBN: 978-0062654441

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Making Rights Real: The Ghana Project

**Course #:** 2326      **Term:** 2020FS      **Faculty:** White, Lucie      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 5:00 PM - 6:30 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Making Rights Real: The Ghana Project (2 winter clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Pre-/Co-Requisites: None.  
By Permission: Yes. Applications to the clinic are due by 5:00pm on August 28, 2020.  
Add/Drop Deadline: August 31, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application. Applications are due by August 28, 2020.  
Multi-Semester: This is a fall-winter-spring course (1 fall credit + 1 winter credit + 1 spring credit). This course is an academic workshop that wraps around and is concurrent with an on-going clinical project in which students work with Ghanaian partners on economic and social rights realization on the ground. The course - both the theoretical and practical dimensions - are situated at the intersection of economic and social rights, development, and, human rights advocacy. Consult the clinical description for a more elaborate account of the partnership and the specific health rights which the 2020-21 partnership is likely to target.  
The workshop, which awards 3 academic credits - 1F/ 1W / 1S - is designed to offer the theoretical frame for the 2020-21 theory/practice experience. Thus, the workshop will focus on Ghana in the context of its history, geography, religion and culture, socioeconomic profile, and development trajectory. It will also enable students to prepare for the interpersonal and cultural challenges of North/South lawyering partnerships. The fall and spring term workshop will include readings, group presentations, academic writing, and jointly produced background and follow-up documents anchored in the practical work. Admission to the academic and clinical components is determined together, by permission of the instructor. Students should apply by submitting a two-page double spaced statement of interest and a one-page CV to the clinical office (clinical@law.harvard.edu) with a cc to Ellen Keng (ekeng@law.harvard.edu) by 5:00pm on August 28, 2020. Accepted candidates will be enrolled in the clinic and clinical course by the Office of Clinical and Pro Bono Programs.

Note: Spring scheduling is TBD. An introductory session will take place from 12 - 1 PM ET on Wednesday, September 16.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

March 28, 2023 3:22 PM

## Making Rights Real: The Ghana Project Clinic

**Course #:** 8025

**Term:** 2021WI

**Faculty:** White, Lucie

**Credits:** 2.00

**Type:** Clinic

**Subject Areas:** International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Making Rights Real: The Ghana Project (1 fall classroom credit + 1 winter classroom credit + 1 spring classroom credit). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.

Additional Pre-/Co-Requisites: None.

By Permission: Yes. Applications are due by August 28, 2020.

Add/Drop Deadline: August 31, 2020.

LLM Students: LLM students may apply to this clinic by submitting an application.

Placement Site: Ghana.

In the 2020-21 academic year, the Making Rights Real clinic will build on a partnership between Professor White, Harvard law students, University of Ghana Law School faculty and students, and a Ghanaian civil society organization (CSO) engaged in leading-edge human rights work on educational equity in Ghanas underserved rural North. Though there may be an opportunity for selected students to travel to Ghana over spring break, this Januarys activities will take place through intensive online lawyering activities, including virtual stakeholder meetings and community workshops, interviews with government officials, Ghana School of Law/HLS collaboration. The goal of this years clinic will be to assist community members to document and critique experiences of educational inequity and take part in an on-going process legislative and policy reform. Our CSO partner uses multi-layered lawyering strategies, such as legal research and analysis; reviewing and drafting legislation and regulations; strategy mapping; human rights documentation; participatory action research; partner briefings; designing and facilitating grassroots education and empowerment workshops; conducting community meetings; and working with media. Thus, in addition to our specific assignments, the clinic provides students engagement with an organization widely recognized for its creative work.

Admission to the academic and clinical components is determined together, by permission of the instructor. To apply, students should submit a two-page double spaced statement of interest and a one-page CV to the clinical office ([clinical@law.harvard.edu](mailto:clinical@law.harvard.edu)) with a cc to Ellen Keng ([ekeng@law.harvard.edu](mailto:ekeng@law.harvard.edu)) by 5:00pm on August 28, 2020. Accepted candidates will be enrolled in the clinic and clinical course by the Office of Clinical and Pro Bono Programs.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

March 28, 2023 3:22 PM

## Management and Leadership Skills for Lawyers

**Course #:** 2547

**Term:** 2021SP

**Faculty:** Friedman, David

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Wed 7:00 PM - 8:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This Reading Group will study the practical, policy and ethical dimensions of management in various organizational settings, with a heavy emphasis on practical understanding and skills.

Attorneys can — and should — develop management and legal skills from their very first day in practice. As your legal career advances, in the future you may be entrusted to run a government agency (or an entire government), a law firm, a non-profit organization, a company's in-house law department, a court system, or a smaller division of any of these. We will examine principles, case studies and hypothetical problems with an eye to building awareness and habits that prepare you for management roles. And until you become a supervisor, understanding how managers and leaders function will better prepare you to be an effective counsel and to understand the people and entities with whom you work and interact.

We will cover the fundamental aspects of business management, with an eye to the unique dynamics, challenges and responsibilities that attorneys face in management and leadership roles. We will also explore how management roles and challenges vary across different legal practice settings, including government agencies and offices, for-profit companies, non-profit organizations, and law firms. Some of the specific questions and topics we will examine include:

How do you set goals and measure performance for attorneys when so much of what attorneys do cannot be easily quantified (providing sound judgment and counsel, pursuing justice, preventing disputes, etc.)? What management and communication styles work most effectively in various settings and circumstances?

What decisionmaking approaches can managers and leaders use to facilitate good, sound decisions?

How can managers handle situations over which they have limited direct authority and control?

How can lawyers excel as leaders?

How do various compensation systems affect the management of lawyers and how can compensation be optimally structured?

How can managers successfully create change in their organizations?

How can junior attorneys develop leadership skills and practices that will prove valuable later on in their careers — and what are those key skills and best practices?

We will be joined by special guests for many sessions -- experienced lawyers who have held important management and leadership roles and who will share their own stories and experiences of managing and leading in different settings.

Note: This reading group will meet for for twelve, one-hour sessions over the full spring term.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Mass Incarceration and Sentencing Law

**Course #:** 2918      **Term:** 2021SP      **Faculty:** Gertner, Nancy      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Criminal Law and Procedure

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 1:00 PM - 4:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This course will first put 20th century sentencing law in sociological and historical context. It will examine the history, philosophy, and administration of the criminal sentencing process, the causes of growth in the US penal population, the historical roots of that growth from the mid 20th century to the present, and the impact of those policies on communities of color and the crime rate. We will then examine more closely the legal framework that enabled those policies, including the war on drugs, emphasis on retribution over rehabilitation, the changes in sentencing law and the structure of sentencing decisionmaking. Particular attention will be devoted to substantive sentencing standards (the insights of neuroscience, evidence based lessons from diversion programs) in addition to the procedures governing those decisions. The course will explore different kinds of sentencing regimes-state guideline systems, international models on which sentencing standards have evolved from common law decision making or judge-imposed guidelines (Australia, Israel, England), in addition to the federal sentencing guidelines. We will consider the interplay between principles of proportionality, severity, and parsimony on sentencing law.

This course will be divided into two parts: the first part of the term will involve the substantive law of sentencing, and the sociological and historical context in which it evolved as described in the original course description. But the second part of the term will be somewhat unusual. I will invite judges (federal and state), prosecutors, defense lawyers to join the class in addressing particular sentencing issues, with discussions centered around hypothetical cases. All the participants will sentence; they will review the cases, determine the sentences, and discuss them at the class sessions. The issues will be cases involving addiction and drug offenses, mental health, the neuroscience of childhood adversity, juvenile offenders, sex offenders, and issues of race and gender. The idea is not only to look at sentencing at the meta level, but also at the level of the concrete case, which may challenge the generalizations of the sentencing law.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Mass Media Law

**Course #:** 2038      **Term:** 2021SP      **Faculty:** McCraw, David      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Constitutional Law & Civil Rights; Disciplinary Perspectives & Law; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

The class examines how the First Amendment, in combination with tort law, statutes, and common-law principles, shapes the rights and legal limitations for publishers of news and opinion, in both traditional and digital media. Topics include libel, protection of confidential sources, prior restraints on publication, invasion of privacy by publication, criminal liability for publishing classified information, legal limits on newsgathering, and access to information. It is taught by David McCraw, the lead newsroom lawyer for The New York Times.

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## Maximizing Joint Gains: How Taxes Affect Business Decisions

**Course #:** 2341      **Term:** 2020FA      **Faculty:** Abrams, Howard      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Taxation

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course is taught from a book written by B-school professors for B-school students. It is entirely self-contained: there are no prerequisites. We will learn the basic rules of federal income taxation without worrying about the details, and we will determine how those rules affect business decisions. The assignments will require detailed computations (largely of present values). The exam will not require any computations but the students will be asked to describe (with words and equations) how the computations would be made. We will look at a variety of topics including choice of deferred compensation for high net worth individuals, choice of business organization, funding choices, form of merger and acquisition activity, and choice of location (domestic and foreign).

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Mediation

**Course #:** 2183

**Term:** 2021SP

**Faculty:** Hoffman, David; Lee, Audrey

**Credits:** 3.00

**Type:** Elective

**Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 5:00 PM - 8:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisite: None

Exam Type: No Exam

The primary focus of this experiential learning course is on developing mediation skills as a mediator and also as an advocate in the mediation process. We will also focus on the theoretical, ethical, and doctrinal dimensions of mediation practice. The primary tool for learning will be weekly role play simulations, for which you will maintain a journal. You will also receive feedback on your performance in the role plays. In addition, we will use reading responses as a springboard for classroom discussion of topics relating to mediation, such as ethics issues, mediator credentialing, and critiques of mediation. Approximately 70% of class time will be devoted to preparing for, conducting, and debriefing mediation role plays using role play facts adapted from actual cases. The remaining 30% will be devoted to classroom discussion of the readings, which are organized thematically in the syllabus.

There is no required text other than photocopied materials.

Some seats are reserved for students in the spring Mediation clinic. Students who claim a clinical seat in this course will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student in a clinical seat drops the spring Mediation clinic, they will also lose their reserved seat in this course. Please note that there is an early drop deadline of December 4, 2020 for spring clinical students in this course.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Mediation Clinic

**Course #:** 8026

**Term:** 2021SP

**Faculty:** Mondell, Catherine

**Credits:** 1.00

**Type:** Clinic

**Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Mediation Clinical Seminar (1 spring classroom credit). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: Clinic students must complete the entirety of the mandatory basic mediation training with the Harvard Mediation Program (HMP), offered as a two weekend immersive experience. It is anticipated that the spring semester training dates will be February 6-7 and 20-21 . For more information regarding the basic mediation training, including confirmed training dates, please visit the Harvard Mediation Program website. Students must be able to participate in the full four days of training (or have previously completed HMP's basic training course) to be eligible to mediate.

By Permission: No.

Add/Drop Deadline: December 4, 2020.

LLM Students: This clinic is not available to LLM students, with limited exceptions by permission.

Placement Site: HLS and Boston-area courts.

Clinic placements are with the Harvard Mediation Program (HMP), and entail the opportunity to observe and conduct mediations in Boston-area court sessions for small claims cases and harassment prevention orders. Clinic students must (1) complete HMP's mandatory basic mediation training, (2) attend a court session weekly to mediate or observe; and (3) work one hour per week in the HMP office. The court session commitment is the same day and time every week - generally Wednesday, Thursday or Friday morning, or Tuesday afternoon as detailed in the HMP application, and usually requires about three hours, including travel time. For more information about this clinic, including training session dates and scheduling information, please visit the Harvard Mediation Program website.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Mediation Clinical Seminar

**Course #:** 3025      **Term:** 2021SP      **Faculty:** Mondell, Catherine      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Harvard Mediation Clinic (1 spring clinical credit). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: Clinic students must complete the entirety of the mandatory basic mediation training with the Harvard Mediation Program (HMP), offered as a two weekend immersive experience. It is anticipated that the spring semester training dates will be February 6-7 and 20-21. For more information regarding the basic mediation training, including confirmed training dates, please visit the Harvard Mediation Program website. Students must be able to participate in the full four days of training (or have previously completed HMP's basic training course) to be eligible to mediate.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
This 1-credit seminar is the required classroom component for students doing work through the Mediation Clinic. The class will meet more frequently in the latter part of the semester, after students have completed the mandatory basic mediation training.  
Students will read and discuss works related to: the legal, procedural and practical context in which we mediate; frameworks for evaluating the quality and efficacy of our work as mediators; handling challenges to mediator neutrality, impartiality, and ethics; working with parties to prepare effective settlement agreements; and understanding the role of party-advocates in a mediation context. Some sessions will require students to present problems related to the clinical work in which they are currently engaged to the members of the class for discussion and brainstorming.  
Students will submit approximately five short written journal entries reflecting on their mediation experience/observations and the new learning and challenges that they have grappled with while mediating cases, and a final 7-10 page paper in the form of an extended journal entry.  
Note: This seminar will be held for six two-hour sessions concentrated in the latter half of the semester, after the required training has been completed.

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# Harvard Law School Course Catalog

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## Medical Artificial Intelligence: Ethics, Law, & Policy

**Course #:** 3047      **Term:** 2021SP      **Faculty:** Weinstock, Jordi      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Health Law; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
Artificial intelligence and autonomous systems have the ability to transform medical practice - and the legal regimes that govern it - in ways we are just beginning to understand. Over the course of the semester, we will examine this intersection of law, medicine, and an emerging technology that could radically alter the field through the introduction of new quasi-independent actors into the doctor-patient relationship. We will consider many unanswered questions in the space, such as who is liable when diagnostic and therapeutic algorithms cause harm to patients? Is there room for regulation when autonomous medical systems express data-driven bias? Can health care be the area that helps us understand how to regulate AI more broadly? Medicine is a field where traditionally things are forbidden until they are allowed, whereas AI is a field where everything is allowed until it is forbidden. As a reading group, we will discuss how we might mesh those two approaches and bring out the best in each.

Note: This reading group will meet on the following dates: 1/26, 2/9, 2/23, 3/9, 3/23, 4/6.

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# Harvard Law School Course Catalog

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## Mergers and Acquisitions in the Technology Sector

**Course #:** 3071      **Term:** 2021SP      **Faculty:** Chen, Ronald      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 8:00 PM - 10:00 PM

**Course Description:** Prerequisite: Corporations or permission to waive the requisite.

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

The technology sector continues to be one of the most active areas for the practice of mergers & acquisitions in the U.S. and around the world, ranging from small acquisitions of start-ups to some of the largest, most high-profile and complex transactions each year. This course is intended to provide students with a practical overview of M&A transactions, providing a general introduction to the practice of M&A with a special focus on key issues and complexities associated with transactions in the technology sector. The course includes the study of several case studies of actual transactions, primarily involving Silicon Valley companies, and will also include guest speakers involved in relevant transactions.

Students at all levels of interest and experience are welcome, from students who have little familiarity with the practice of M&A and are interested in learning more, to students who are committed to pursuing a long-term legal or business career in tech M&A.

Note: Students who have completed Mr. Mark Gordons course, Mergers and Acquisitions Workshop: Boardroom Strategies and Deal Tactics, previously are not eligible to enroll.

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## Mergers and Acquisitions Workshop: Boardroom Strategies and Deal Tactics

**Course #:** 2185      **Term:** 2021WI      **Faculty:** Gordon, Mark; Chasmar, Katherine      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 9:00 AM - 12:30 PM

Tue 9:00 AM - 12:30 PM

Wed 9:00 AM - 12:30 PM

Thu 9:00 AM - 12:30 PM

Fri 9:00 AM - 12:30 PM

**Course Description:** Prerequisite: Corporations or permission to waive the requisite.  
Exam Type: In Class  
Successful M&A lawyers (and bankers) provide leadership and judgment in the boardroom and tactical execution at the negotiating table. Taught by a Mergers & Acquisitions partner at Wachtell, Lipton, Rosen & Katz, this workshop is intended to give students exposure to both the macro strategic issues faced by directors in M&A situations (buy-side and sell-side; hostile, friendly and crisis) as well as the tactical issues involved in negotiating acquisition agreements and other transaction documents. The workshop is based around case studies of several real transactions or strategic situations, and makes use of real transaction documents. Students will be expected to make presentations and participate in class discussions, and there will be at least two mock-strategy, drafting and/or negotiating exercises.  
Some sessions may feature guest speakers who have been involved in recent deals.  
Business school students are very much welcome to cross-register into this course (and have done well in this course in the past), and spaces have been reserved for you. Business School students need not have taken Corporations; students cross-registering from other parts of Harvard should seek permission from Prof. Gordon.

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## Migration and Human Rights

**Course #:** 2424      **Term:** 2020FA      **Faculty:** Bhabha, Jacqueline      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:30 PM - 2:45 PM

Wed 1:30 PM - 2:45 PM

**Course Description:** Prerequisites: None  
Exam Type: No HLS Exam

Migration is a central moral issue of our time and its impacts will alter our world throughout this century. It affects the lives of millions, unsettles established governments, creates sharply polarizing policy dilemmas and posits far-reaching administrative, economic and political challenges. This course will focus on distress migration, including refugee flight and other forms of forced displacement, evaluated through the lens of human rights. It will address the multifaceted drivers of this complex phenomenon, including armed conflict, environmental stress and climate change, global inequality, demographic pressures and increasing globalization. Migration practitioners from a range of field sites will contribute to the classroom conversation to create a more global classroom discussion and to enhance project based learning.

The course will consider historical precedents to the current refugee and migration "crisis," using case studies of massive past population displacements (eg Greek-Turkish population exchange post World War I, partition of British India and Palestine peri/post World War II) as instructive guides for contemporary problems. The course will raise ethical and philosophical issues related to the duties owed to "outsiders" to probe the moral, religious and political underpinnings of current approaches. It will introduce students to the international and regional legal framework governing refugee protection and migration more broadly. It will engage with the multiple risks migrants face before, during and after their journeys and with and with current policy developments, at the municipal, national, regional and international level, including the ongoing efforts of the United Nations to craft two new Global Compacts on Refugees and on Migration. Finally the course will enable students to apply legal and other approaches to the analysis of migration challenges. The material for this will be a range of contemporary case studies, including refugee situations in the Mediterranean and Sub Saharan Africa, conflict-fueled migration as well as migration flows arising from environmental displacement in the Middle East, disaster fueled migration in Asia, irregular migration in the Americas, and seasonal internal migration in Asia involving bonded-labor.

Note: This course is jointly-listed with HKS as IGA 355. It is held at HKS during their Fall 1 term.

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## Money Design and Inequality

**Course #:** 3028      **Term:** 2020FS      **Faculty:** Desan, Christine      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: The seminar is intended for students who have studied money as a legal institution. Students must have completed one of the following courses previously: Constitutional Law: Money and the Making of American Capitalism; Legal Architecture of Globalization: Money, Debt, and Development; Regulation of Financial Institutions; or Regulation of International Finance; otherwise, students should seek permission from the instructor to waive the prerequisite.

Exam Type: No Exam  
Students will submit a final paper (25-40 pages).

Modern societies face an escalating problem: inequality in material wealth, human well-being, and political voice endangers democracy at a fundamental level. This research seminar asks how money’s contemporary design may contribute to that predicament. Money is the legal institution that mobilizes public resources, promotes economic exchange, and dispenses profits. It follows that the design of our monetary architecture configures distribution as well as productivity. The seminar offers students the opportunity for focused research on that issue over the academic year. In the fall semester, we consider the literature on inequality and review the basic features of the modern monetary architecture. In turn, we sample work by scholars who argue that a particular dimension of modern money’s design engenders or increases inequality. In the spring semester, students will present their research on one such dimension. Research projects may be qualitative, quantitative, or historical.

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## Monuments and Memorialization

**Course #:** 2792

**Term:** 2020FA

**Faculty:** Levinson, Sanford

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Constitutional Law & Civil Rights; Legal History

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

Although there is no examination or lengthy paper required, I do ask each student to prepare one response paper, of approximately 750 words, regarding the readings assigned that particular week. A central purpose of the paper(s) is to set the agenda for the class discussion, which is certainly the most important aspect of the course.

A constant of all political systems, going back to ancient times, is that ruling elites try to shape public space in order to reinforce their own prestige and legitimacy as governors. It is, therefore, also a constant that regime change can in part be measured by the tendency to reshape public space, including the destruction of existing monuments and their replacement by a new group of purported heroes. Think in this context only of the destruction of the statue of King George III in New York by the patriots leading the American secession from the British Empire. (The lead in the statue was apparently melted down to provide bullets to use against the British soldiers and, presumably, some of their Loyalist supporters.) The issue of public memorialization has become especially volatile in recent years with regard to monuments (or buildings) honoring leaders of the Confederate States of America in their own attempt to secede from the United States and, importantly, to maintain the institution of chattel slavery. But the controversies have certainly gone beyond those examples. Consider that Boalt Hall is no longer the name of the locale of the University of California at Berkeley School of Law because it was discovered (or remembered) that the eponymous John Robert Boalt was rabidly anti-Chinese and led the movement to bar Chinese immigration to the United States. Or think of the controversies surrounding the continued naming of buildings after the Sackler family donors. Finally, if time permits, there might be some consideration as well of historical preservation of architectural styles or height limits and the tension generated with urban development (and, possibly, provisions of new housing). Readings will include, almost certainly, two books, David Reiff's *In Praise of Forgetting* and my own book *Written in Stone: Public Monuments in Changing Societies* (2d ed. 2018), together with a variety of materials drawn from public bodies, including New York City and a number of universities, both public and private, that have wrestled with aspects of these controversies. At least one of the six classes will be devoted to legal materials involving the ability to remove statues and the assignment of meaning to specific statues, such as, for example, the 42-foot cross in Maryland that was challenged as an establishment of Christianity. The Supreme Court ruled 5-4, that that was not the case, and we will read some of the opinions. As always, the only real demand is reading the materials and participating in class discussion, though each student will be asked/required to write a single response paper addressing the readings for a given week and suggesting questions that would merit general discussion. Finally, given the literally world-wide existence of controversies sparked by memorials and memorialization, students in all HLS programs are welcome. I have found in the past that the discussions have very much been aided by the perspectives of students from South Africa, Canada, Lithuania, Russia, and other various countries of origin.

Note: This reading group will be held on the following dates: 9/9, 9/23, 10/7, 10/21, 10/28, 11/11

Textbooks:

Reiff, David. *In Praise of Forgetting: Historical Memory and Its Ironies* (Yale University Press)&nbsp;   Levinson, Sanford. *Written in Stone:&nbsp;  Public Monuments in Changing Societies* (Duke University

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Press, 2d ed., 2018). (The Press is also selling it at a 40% discount at their web site with code STONE40.)

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## Music and Digital Media

**Course #:** 2189      **Term:** 2021SP      **Faculty:** Bavitz, Christopher      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment  
**Delivery Mode:** Seminar  
**Days and Times:**      **Location**  
Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: A prior course or other background in copyright law would be useful but is not required.  
Exam Type: No Exam  
This course explores a variety of legal issues relating to the creation, exploitation, and protection of music and other content. The seminar focuses on traditional legal regimes and business models and the ways in which new technologies (particularly the evolution of digital media and the Internet) have affected legal and business strategies involved in the making and distribution of content. The courses primary emphases are music and the ways in which legal principles manifest themselves in practice in the music industry. The seminar builds off a discussion of music rights to address issues surrounding content rights in other contexts, and it reviews the ways in which traditional concepts and practices in this area are challenged by and evolving in the digital world. The course balances discussions of big-picture doctrinal, policy, and theoretical considerations with a focus on day-to-day legal and business practices and specific skills (transactional, client counseling, and litigation) that are relevant to practitioners in this area.

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## National Security Law

**Course #:** 2190

**Term:** 2020FA

**Faculty:** Baker, James

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Government Structure & Function

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: Enrollment is by permission of instructor. Interested students should email a CV and statement of interest to Mr. Baker at [jimbaker1234@yahoo.com](mailto:jimbaker1234@yahoo.com).

Exam Type: No Exam Students will be required to write 6 short thought papers during the semester.

This seminar will address various aspects of the law governing national security. Topics will include constitutional issues regarding national security, electronic surveillance conducted pursuant to the Foreign Intelligence Surveillance Act (FISA), investigative tools authorized under the USA PATRIOT Act, and related topics. National security law is often inaccessible, and can be particularly hard to follow when divorced from the context of historical tradition, governmental structures, and the operational reality in which it functions. The course will aim to present national security law in context, exposing students as much as possible to the real-world effects of applicable legal standards and rules.

Textbook(s):  
REQUIRED

Charlie Savage, *Power Wars: The Relentless Rise of Presidential Authority and Secrecy*, (New York: Bay Back Books/Little, Brown and Company, Rev. Ed. 2017) [hereinafter: Charlie Savage, *Power Wars*]. [ISBN-13: 978-0316286572].

James Comey, *A Higher Loyalty: Truth, Lies, and Leadership*, (New York: Flatiron Books, 2018). [ISBN-13: 978-1250192455].

Rosalind S. Helderman and Matt Zapotosky, *The Mueller Report, Presented with Related Materials by the Washington Post* (New York: Scribner, 2019) [ISBN-13: 978-1982129736].

Jack Goldsmith, *In Hoffa's Shadow: A Stepfather, a Disappearance in Detroit, and My Search for the Truth* (New York: Farrar, Strauss and Giroux, 2019) [ISBN-13: 978-0374175658].

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# Harvard Law School Course Catalog

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## National Security Law and Technology

**Course #:** 2671      **Term:** 2021SP      **Faculty:** Olsen, Matthew      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
This one-credit course will examine a series of current legal and policy issues at the intersection of national security law and technology. An enduring challenge for national security lawyers is keeping pace with technological change and innovation. We will explore a range of selected topics involving emerging technologies that confront national security lawyers and policy makers, including: intelligence surveillance; encryption; lethal targeting and artificial intelligence; and cyber security. We will focus on discrete issues from the perspective of government decision-making and operational practice.  
Matt Olsen was the director of the National Counterterrorism Center from 2011 to 2014. He also served as General Counsel at the National Security Agency and as a federal prosecutor.  
Note: This is a one-credit course and will meet for six 2-hour classes during the semester.

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## Natural Law and Positive Law

**Course #:** 2192      **Term:** 2021SP      **Faculty:** Sargentich, Lewis      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None  
  
Exam Type: No Exam  
There will be no paper or exam, and class will be graded credit/no credit.  
  
We will look briefly at the classical debate between exponents of natural law (Thomas Aquinas) and positive law (John Austin). Then we will focus on debates in contemporary jurisprudence between legal positivists (H.L.A. Hart, Joseph Raz) and their opponents (Lon Fuller, Ronald Dworkin, John Finnis). The question throughout is: what is law's relation to morality?  
  
Note: This reading group will meet every other week for two hours on the following Thursdays: 1/28, 2/11, 2/25, 3/11, 4/1, 4/15.

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## Natural Resources Law

**Course #:** 2193      **Term:** 2020FA      **Faculty:** Anderson, Robert      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Environmental Law; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 9:10 AM - 10:10 AM

Tue 9:10 AM - 10:10 AM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This is a survey course on Natural Resources Law with an emphasis on federal public land management. Topics covered include the History of Federal Public land acquisition, disposal and conservation, Rangelands, Forest Lands, National Park Service and National Wildlife Refuge Lands, Minerals, Forests, and Energy Resources. Special attention will be paid to issues of Natural Resource Management on American Indian Lands and water law. The course also addresses state responsibilities for natural resources management (focusing on the public trust doctrine).

Textbook(s):

Federal Public Land and Resources Law, 7th  
7th Edition  
George C. Coggins, Charles F. Wilkinson, John D. Leshy, Robert L. Fischman  
ISBN: 9781609303334  
Copyright: 2014

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# Harvard Law School Course Catalog

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## Negotiation Lessons from American Secretaries of State

**Course #:** 3061      **Term:** 2020FA      **Faculty:** Mnookin, Robert      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** This course will be taught by Professor Robert Mnookin with the participation of Professor James Sebenius (HBS), Professor Nicholas Burns (HKS) and Dr. Torrey Taussig (HKS).

Prerequisite: A basic negotiation course or permission of the instructor is a prerequisite.

Exam Type: No Exam

This seminar, offered in conjunction with the American Secretaries of State project described below, will explore the approaches of nine American Secretaries of State to negotiation and diplomacy.

Seminar students will have access to original transcripts and videos of personal interviews with the various Secretaries that have been conducted by Professors Burns, Mnookin, Sebenius, and Dr. Taussig-including Henry Kissinger, George Shultz, James Baker III, Madeleine Albright, Colin Powell, Condoleezza Rice, Hillary Clinton, John Kerry, and Rex Tillerson. These interviews focused on each Secretary’s most important negotiations; leadership of the State Department; management of key relationships within the U.S. government; and development and execution of strategy to achieve U.S. foreign policy goals.

Drawing on this and other biographical and contextual material, every seminar student, working either alone or as part of a small team, will normally be expected to write a term paper on a particular secretary that would normally include biographical information with memorable anecdotes, a précis of each of their main negotiations while in office (especially in the Middle East, with the Soviet Union/Russia, and China/Asia), and key insights into that Secretary’s approach to negotiation and diplomacy.

Formally launched in 2014, the American Secretaries of State Project is a joint initiative of the Future of Diplomacy Project at Harvard Kennedy School, the Program on Negotiation at Harvard Law School, and Harvard Business School and is co-directed by Professor Nicholas Burns of Harvard Kennedy School, Professor James Sebenius of Harvard Business School, and Professor Robert Mnookin of Harvard Law School.

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## Negotiation Workshop

**Course #:** 1051      **Term:** 2021WI      **Faculty:** Heen, Sheila      **Credits:** 3.00

**Type:** 1lwinter      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
This course is co-taught by Sheila Heen, Deborah Goldstein, Alonzo Emery, Gillien Todd, and Lisa Dicker.  
Note: This course is restricted to first-year J.D. students only.

The drop deadline for 1L January Experiential Term (JET) classes is December 4, 2020. Students may not drop a course if they do not have an offer to enroll in a different JET course.

Successful completion of the Negotiation Workshop will satisfy pre-requisite requirements for upper-level courses and clinics.

1L JET courses are intensive learning courses. Class attendance is required in each course every day of the term, beginning Tuesday, January 5th. Students should plan accordingly and should not take on other work commitments during the term.

Exam Type: No Exam

Most lawyers, irrespective of their specialty, must negotiate. Litigators resolve far more disputes through negotiation than by trials. Business lawyers -- whether putting together a start-up company, arranging venture financing, or preparing an initial public offering -- are called upon to negotiate on behalf of their clients. Public interest lawyers, in-house counsel, government attorneys, criminal lawyers, tort lawyers, and commercial litigators all share the need to be effective negotiators.

This Workshop, by combining theory and practice, aims to improve both the participants' understanding of negotiation and their effectiveness as negotiators. Drawing on work from a variety of research perspectives, the readings and lectures will provide students with a framework for analyzing negotiations and tools and concepts useful in negotiating more effectively. Participants will spend much of their time in a series of negotiation exercises and simulations, whereas negotiators and critical observers, they will become more aware of their own behavior as negotiators and learn to analyze what works, what does not work, and why.

The Workshop is intensive and time-consuming. Participants should have no other work commitments during the winter term. Class attendance is essential and required at all sessions including the first and last days of the workshop.

Remote learning note: The workshop's emphasis on small group negotiations and classroom discussion means that you will get to know your classmates and teaching team quickly. In designing the course for remote learning, we have worked to retain the interactive nature of the course, while taking advantage of some things that are actually easier to do by zoom, like self-record your negotiations for analysis. When taught in person, the workshop runs 9am-5pm daily. Because we will be teaching and learning remotely, we will be recording the lectures so that you can watch them asynchronously before the next class, and we will spend most classroom hours in smaller Working Groups, with a faculty member and a teaching fellow. Classroom zoom hours will generally run 10am-12pm and 1pm - 3:30pm. Additionally, after enrollment, students will be assigned to sections--for which timing is currently TBD--and you should expect that you will spend additional hours debriefing 1-on-1 with classmates, writing your analyses, and preparing to negotiate the next day.

The Workshop will be limited to 96 students who will be divided into four working groups of 24 each. In

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addition to participating in the daily activities, students will be expected to keep a journal and write a short paper.

Note: There may be days throughout the winter term that require attendance beyond the scheduled times. Please refer to the course syllabus and page for more information. The course was originally created by Michael Moffitt, Alonzo Emery and Gillien Todd.

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## Negotiation Workshop

**Course #:** 2195

**Term:** 2021SP

**Faculty:** Heen, Sheila

**Credits:** 4.00

**Type:** Multisection

**Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 3:10 PM - 7:20 PM

Thu 3:10 PM - 7:20 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Prerequisite: None

Exam Type: No Exam

\*Cross-Registrants: Please note that cross-registrants interested in taking the Workshop must participate in the online application process for the Workshop. The deadline to apply is noon on October 2, 2020. For more information please visit the course website: <http://hnmcp.law.harvard.edu/application-crossreg/>.

Lawyers-like all other professionals-must negotiate. Litigators resolve far more disputes through negotiation than by trial. Business lawyers, whether they are putting together a start-up company, arranging for venture financing, or preparing an initial public offering, are called upon to negotiate on behalf of their clients. Public interest lawyers, in-house counsel, government attorneys, criminal lawyers, tort lawyers, and commercial litigators all share the need to be effective negotiators. And all professionals negotiate within their own organizations for salaries, workload and roles, with constituents they represent, clients they serve, or co-founders they collaborate with.

Yet few professionals have studied the negotiation process or have any systematic understanding of why negotiations often fail, the dilemmas inherent in the process, or the skills necessary to be an effective negotiator.

By combining theory and practice, this Workshop aims to improve your analytical understanding of the negotiation process and your skill as a negotiator. The Workshop is designed to improve your ability to prepare for a negotiation, to engage others in joint problem-solving and decision-making, and to diagnose what is going wrong and what to do differently when negotiations break down. Above all, this Workshop will equip you to continue refining your skills as you gain more negotiation experience throughout the rest of your professional life.

The Workshop is intensive and time consuming. Class runs from 3:10pm-7:20pm on Wednesdays and Thursdays, and you will negotiate every class day. In addition, you must be present for sessions on one weekend day. Because any absences deprive your peers of the chance to negotiate and learn, attendance for all class sessions is mandatory.

The Workshop integrates intellectual and experiential learning by combining short lectures with frequent exercises, extensive review, live and filmed examples, individual and small group reviews, and careful analysis of the negotiation process and the process of learning from experience.

The Workshop is limited to 144 students who are divided into six working groups of 24 students each. The teaching team consists of six faculty members; each Working Group is taught by one faculty member and one teaching assistant. All Working Groups follow a common syllabus that has been developed collaboratively by the senior teaching team.

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In addition to participating in the daily activities, students will be expected to keep a weekly journal and to produce a number of short, written products throughout the term. This course has no final examination.

During the first week of the Workshop, upperclass and LL.M. students will be given an opportunity to elect to take the Workshop on a credit/fail basis. We welcome cross-registrants, who enhance the richness of the experience for everyone. For cross-registrants, the availability of the credit/fail option is dependent on the policies of their home school.

Note - Early Drop Deadline: The Workshop has an early drop deadline of Tuesday, December 15th. The course may not be dropped after this date without the written permission of the instructor and students who drop after this date will receive a WD on their transcript.

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## Negotiation Workshop

**Course #:** 2195

**Term:** 2021WS

**Faculty:** Stone, Douglas

**Credits:** 4.00

**Type:** Multisection

**Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 9:00 AM - 5:00 PM

Tue 9:00 AM - 5:00 PM

Wed 9:00 AM - 5:00 PM

Thu 9:00 AM - 5:00 PM

Fri 9:00 AM - 5:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Special drop deadline: December 15, 2020

Prerequisite: None

Exam Type: No Exam

\*Cross-Registrants: Please note that cross-registrants interested in taking the Workshop must participate in the online application process for the Workshop. The deadline to apply is noon on October 2, 2020. For more information please visit the course website: <http://hnmcp.law.harvard.edu/application-crossreg/>.

The credit breakdown for this seminar is as follows: four total credits with three credits awarded in the winter and one credit awarded in the spring.

Most lawyers, irrespective of their specialty, must negotiate. Litigators resolve far more disputes through negotiation than by trials. Business lawyers - whether putting together a start-up company, arranging venture financing, or preparing an initial public offering - are called upon to negotiate on behalf of their clients. Public interest lawyers, in-house counsel, government attorneys, criminal lawyers, tort lawyers, and commercial litigators all share the need to be effective negotiators.

This Workshop, by combining theory and practice, aims to improve both the participants understanding of negotiation and their effectiveness as negotiators. Drawing on work from a variety of research perspectives, the readings and lectures will provide students with a framework for analyzing negotiations and tools and concepts useful in negotiating more effectively. Participants will spend much of their time in a series of negotiation exercises and simulations, where as negotiators and critical observers, they will become more aware of their own behavior as negotiators and learn to analyze what works, what does not work, and why.

The Workshop is intensive and time-consuming. Participants should have no other work commitments during the winter term. Specifically, participants should be available each day from 9:00am until 5:00pm EST (although class will often end earlier). There will be simulations and videotaping on some evenings and some weekends. Class attendance is essential and required at all sessions including the evening and weekend sessions. Students may not take the Workshop if they have other courses or any other significant obligation during the winter term that conflict with the required course sessions of the Workshop. There will be no Workshop classes during the spring term.



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Class attendance is required at all sessions, and please particularly note participants cannot miss any of the first day. The Workshop will begin at 9:00 am EST sharp on Tuesday, January 5, 2021. No one will be admitted to or allowed to complete the course who is not present when the course begins. Participants should adjust their travel plans accordingly. Please also note that the Workshop will have class on Saturdays (specific dates TBD). The Workshop will meet for its final class on Friday, January 22, 2021.

The Workshop will be limited to 144 students who will be divided into six working groups of 24 each.

Plenary sessions of the full class will be devoted to demonstrations, discussion problems, lectures, video and film. Much of the time devoted to exercises and simulations will take place in the smaller working groups, each of which will be led by an experienced instructor and a teaching assistant.

In addition to participating in the daily activities, students will be expected to keep a journal and write a short paper. The journal is submitted weekly. This course has no final examination and the short paper will be due during the spring semester in light of the intensity of the Workshop during the winter term.

During the first week of the Workshop, JD and LLM students will be given an opportunity to elect to take the Workshop on a credit/fail basis. For cross-registrants, the availability of the credit/fail option is dependent on the policies of their home school.

Please note: The Workshop has an early drop deadline of Tuesday, December 15, 2020. The course may not be dropped after this date without the written permission of the instructor. Students who drop after this date will receive a WD on their transcript.

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## Nuts and Bolts of Forming a Venture Capital Fund

**Course #:** 2487      **Term:** 2021SP      **Faculty:** Reed, Sarah; Painter, Robin      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
This course introduces students to the relationship between limited partner (LP) investors and the general partner (GP) managers of a VC fund. Among topics covered are (1) types of LPs; (2) due diligence performed by LPs; (3) the contractual relationship between LPs and the GP, including compensation of the GP; and (4) the post-closing relationship between LPs and the GP. Reading materials will consist mostly of contractual documents and practitioner articles. Grading will be based on weekly memos on the assigned readings.

Note: This course will meet for six consecutive sessions, starting the week of February 22.

This is the same offering as the Fall 2019 course, Investing in VC Funds. If you completed the previous course, you will not be eligible to enroll in this.

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## Originalism

**Course #:** 2365      **Term:** 2020FA      **Faculty:** Clark, Bradford      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Legal & Political Theory

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This reading group will examine originalism in constitutional interpretation, both in theory and in practice. The readings will consist of scholarly writings and judicial opinions.

Note: This reading group will meet on the following dates: 9/10, 9/24, 10/8, 10/22, 11/5, and 11/19.

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# Harvard Law School Course Catalog

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## Pandemic Inequalities: Human Rights and Global Health

**Course #:** 3067      **Term:** 2021SP      **Faculty:** Yamin, Alicia      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Health Law; Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Thu 8:00 AM - 10:00 AM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
The staggering toll of COVID-19 has laid bare and exacerbated structural injustices within and between countries, which call for profound reflection on the societies and world we had inhabited pre-pandemic-- as well as the role of human rights praxis in creating transformative change. In this context, how should we understand the suffering we and/or others are experiencing, and the dramatically disparate health and social impacts of this novel coronavirus on diverse groups across our societies and the globe? Further, how can we catalyze transformative legal, political and programmatic responses?  
This seminar provides historical context for understanding the profound inequalities that COVID-19 has revealed in the United States, and around the world, and critically examines the role of international human rights law and strategies in creating progressive social change. Looking forward, the seminar explores how human rights, together with other movements, can be deployed now and beyond the pandemic, to address other global threats such as climate crisis, as well as broader political economy questions. Guest speakers, emphasis on personal narratives, readings from multiple disciplinary perspectives, and class debates regarding legal and policy issues sharply revealed by the pandemic are all intended to encourage critical reflection on prevalent national and global discourses in relation to when misfortune becomes injustice, in health and beyond.

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# Harvard Law School Course Catalog

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## Partnership Tax

**Course #:** 2298      **Term:** 2020FA      **Faculty:** Abrams, Howard      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Taxation

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 2:30 PM

Tue 1:00 PM - 2:30 PM

**Course Description:** Prerequisites: Taxation or permission of the instructor to waive the prerequisite.

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This class covers the formation, operation, and liquidation of all entities taxable as partnerships including general partnership, limited partnerships, and LLCs. Distributive shares as determined under sections 704(b) and 704(c) are emphasized along with allocations of partnership indebtedness and optional inside basis adjustments. This is an important course for students interested in a career in tax law or in real estate.

Textbook(s):

Abrams and Leatherman, Federal Income Taxation of Corporations and Partnerships (6th ed 2019) as well as a post -2017 copy of selected provisions of the Internal Revenue Code and Income Tax Regulations.

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## Patent Law

**Course #:** 2197      **Term:** 2020FA      **Faculty:** Fisher, William; Okediji, Ruth      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 10:20 AM - 12:00 PM

Wed 10:20 AM - 12:00 PM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

Roughly half of this course will examine and assess the legal rules in the United States and other countries governing patents.  The other half will explore policy issues pertaining to patents.  Those issues include: the nature and determinants of scientific innovation; the increasingly important roles played by “standard setting organizations”; and the ways in which the legal system should regulate those organizations; the degree to which the patent system should differentiate among fields of technology; the appropriate treatment of reverse-payment settlement agreements; and the impact of patent law on the health crisis in the developing world.

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# Harvard Law School Course Catalog

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## Pathways to Leadership Workshop for the Public Sector

**Course #:** 1056

**Term:** 2021WI

**Faculty:** Crawford, Susan

**Credits:** 2.00

**Type:** 1lwinter

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 10:00 AM - 12:35 PM

Mon 10:00 AM - 12:35 PM

Tue 10:00 AM - 12:35 PM

Wed 10:00 AM - 12:35 PM

Fri 10:00 AM - 12:35 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Note: This course is restricted to first-year J.D. students only.

The drop deadline for 1L January Experiential Term classes is December 4, 2020. Students may not drop a course if they do not have an offer to enroll in a different January Experiential Term course.

1L January Experiential Term courses are intensive learning courses. Class attendance is required in each course every day of the term, beginning Tuesday, January 5th. Students should plan accordingly and should not take on other work commitments during the term.

Exam Type: No Exam

Harvard Law School graduates have a long history of becoming leaders in public service, often drawing on the critical thinking, advocacy, negotiation, and technical legal knowledge and skills they have learned and practiced during law school. The Pathways to Leadership Workshop for the Public Sector is a new workshop designed to provide students with frameworks, tools, and perspectives that will accelerate and enhance their ability to succeed in public-sector leadership roles in the future.

Through a mixture of leadership case studies drawn from the public sector, interactive exercises, visits from guest speakers, and extensive work in teams, students will explore the real-world skills that leaders call upon to catalyze change. Exercises and projects, undertaken in teams, will facilitate learning about intentional team-formation, leadership and working style self-knowledge, appreciation of diversity on teams and the different forms that intelligence and knowledge-acquisition can take, network development, negotiating conflicts, giving feedback, effective listening, the psychology of motivation and influence, and leadership-oriented communication and presentation skills. As a final exercise, student teams will integrate the skills and tools they have gathered during the workshop (as well as through their varied life experiences) and connect theory to application through working together to solve a difficult problem.

Note: There may be days throughout the winter term that require attendance beyond the scheduled times. Please refer to the course syllabus and page for more information.

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# Harvard Law School Course Catalog

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## Philosophical Analysis of Legal Argument: The Logocratic Method in an Uncertain Time

**Course #:** 2526

**Term:** 2021SP

**Faculty:** Brewer, Scott

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Disciplinary Perspectives & Law; Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:**

Prerequisites: None

Exam Type: No Exam

Ours is a time fraught with uncertainty about the stability and legitimacy of political and legal institutions and the security of our individual health and that of the planet. To a surprising extent, the human capacity to make, receive, and be convinced by arguments is central to the way we make sense of information about both our individual lives and the world in general. Arguments are also central to the operations of vital domains of life, including politics (think about the political effects of social media), law (think about the contentious issues that come before the Supreme Court as well as who should sit on the Court), and everyday life (think about urgent decisions to be made about public health and personal precaution during a pandemic). This course presents a detailed philosophical examination of arguments and their operation and effects in legal, political, and everyday life. The course framework is the Logocratic Method, a systematic method for understanding the nature of arguments and their principal uses, which can enhance one's ability both to make and to critique arguments. Although the Logocratic Method applies to arguments in any domain, our principal focus will be on legal and political arguments. From a Logocratic point of view, these tools of analysis are to lawyering and political persuasion as materials engineering is to architecture. One must know the strengths and the weaknesses of the materials from which an edifice is built, and, no less importantly, the different ways in which these materials can be strong or weak, lest it collapse under its own weight -- whether the edifice is a dome atop a cathedral, an argument for plaintiff, prosecutor, or defendant, or an argument for the electability of a candidate or in favor of or in opposition to a legislative policy. Readings are from philosophers, legal and political theorists, as well as from cases, statutes, and political speeches. Although the course introduces and uses some basic techniques from formal logic (familiar to all LSAT-takers!), this course presupposes no background in logic or philosophy. Work for the course consists of class participation and a paper that applies the methods learned in the course to a case or political speech (to be agreed in consultation with the professor). Cross-registrants are welcome. Anyone seeking information about this course should feel free to contact Professor Scott Brewer at [sbrewer@law.harvard.edu](mailto:sbrewer@law.harvard.edu).

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# Harvard Law School Course Catalog

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## Pierson v. Post and the Theory of Property Seminar

**Course #:** 3044      **Term:** 2021SP      **Faculty:** Donahue, Charles      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Legal & Political Theory; Legal History

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: Property  
Exam Type: No Exam  
Many first-year property courses begin with Pierson v. Post, 3 Cai. R. 175, 2 Am. Dec. 264 (N.Y. 1805). A considerable amount of historical work has been devoted to that case recently, and what it has shown is that there was a lot more going on in the case than can normally be covered in a first-year course. The case also has considerable relevance to the theories of property that were current in its time, principally those of Hobbes and Locke, and also to theories of property that were developed later, such as those of Hegel, Marx, Bentham, and Hohfeld, and their various more modern followers. This seminar will give students the opportunity to explore both the history and the theory in some depth. A substantial piece of writing will be required, either on the history or on the theory or on both. An extra hour of writing credit will be available.

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# Harvard Law School Course Catalog

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## Policing the Police

**Course #:** 2925      **Term:** 2021WI      **Faculty:** Kennedy, Randall      **Credits:** 3.00  
**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Human Rights; Legal History

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 9:00 AM - 12:30 PM

Tue 9:00 AM - 12:30 PM

Wed 9:00 AM - 12:30 PM

Thu 9:00 AM - 12:30 PM

Fri 9:00 AM - 12:30 PM

**Course Description:** Prerequisites: None

Exam: No Exam

Since the killing of Michael Brown by a police officer in Ferguson, Missouri in August 2014, there has been an upsurge in attention paid to the regulation of police in the United States. Many feel that the legal system is deficient, indeed woefully deficient, in ways that it structures police-civilian interaction. I am particularly interested in police surveillance, stops, frisks, interrogation, arrests, the use of force, and policies facilitating (or thwarting) transparency and responsibility. The course will examine the problems that have given rise to demands for reform and assess reform proposals that have been posited, including what some describe as "abolition" of policing. The reading will be interdisciplinary, including caselaw, legislation, and work drawn from law reviews, criminology, sociology, and political science. I will endeavor to bring to class police officers. I will also endeavor to gain the participation of activists who have been involved in protest, law reform, and other modes of social change. Students who are interested in this class should feel free to send me ideas about topics to explore, readings to examine, and speakers to invite.

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# Harvard Law School Course Catalog

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## Policy Advocacy Workshop

**Course #:** 2583      **Term:** 2021SP      **Faculty:** Broad Leib, Emily; Greenwald, Robert      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisite: None

Exam Type: No Exam

The Policy Advocacy Workshop is a hands-on seminar that will explore the methods, tools, and skills used to conduct legislative and regulatory advocacy. Many law students are interested in using their legal education as a pathway to engage in policymaking. This course will provide students with a range of active opportunities to learn about, discuss, and practice written and oral policy advocacy via simulations and assignments.

Students will learn about the process of issue spotting policy opportunities, developing policy advocacy campaigns, drafting legislation and regulations, and using written and oral advocacy to push for policy change. Students will learn how to effectuate policy reforms that could have real world application by drafting written materials and presenting oral advocacy to demonstrate an implementation strategy for a range of policy reform ideas.

After a few weeks of introductory reading and discussion, there will be short written assignments or preparation for in-class simulations due each week. The students not participating in the assignment for the week will workshop and provide input on the writing and presentations of their classmates, and discuss strategies and skills for improvement.

Each week will focus on a different type of skill or written document relevant to policy advocacy. These will include:

- Issue spotting and policy development
- Petitioning agencies and commenting on agency regulations
- Legislative research and drafting
- Writing policy briefs
- Communications and media strategy
- Grassroots advocacy
- Creating fact sheets and sign-on letters
- Testifying for policymakers

Classroom sessions will also include presentations from guest lecturers who have relevant policy experience, including advocacy organizations, think tanks, and policymakers. Rather than a final examination, grades will be determined on the basis of their written submissions, in-class role plays, class participation, and a final project.

Some seats are reserved for students in the spring Food Law and Policy Clinic or spring Health Law and Policy Clinic. Students who enroll in a clinical seat in this course and then drops their clinical enrollment will also lose their reserved seat in this course. Please note that there is a drop deadline of December 4, 2020 for students in this course enrolled in reserved clinical seats.

# Harvard Law School Course Catalog

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## Political Economy and Its Future

**Course #:** 2390      **Term:** 2021SP      **Faculty:** Unger, Roberto Mangabeira; Rodrik, Dani      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; International, Comparative & Foreign Law; Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 9:30 AM - 11:30 AM

**Course Description:** Prerequisites: None

Exam: Take Home, not administered by HLS

The world's economic and political order reels under mounting challenges: the global financial crisis, the austerity debacle, a slowdown in economic growth and productivity, the aggravation of inequality and the inadequacy of conventional responses to it, the discrediting of the Washington Consensus, the globalization backlash, the re-emergence of nationalist politics in Europe and the United States, and a contest over the meaning, value, and requirements of democracy. We examine connections among these phenomena and explore alternative ways of thinking about contemporary market economies and their reconstruction. We organize the course around four related themes: the worldwide financial and economic crisis of the recent past and its management; the effort to promote socially inclusive economic growth in richer as well as in poorer countries; the nature, fate, and dissemination of the new knowledge-intensive style of production; and the past, present, and future of globalization.

Students should have some previous acquaintance with economics but no advanced economic training is required. The course is open to undergraduate and graduate students outside as well as within economics. Readings will be drawn from the classic and contemporary literatures of economics, political science, philosophy, and social theory.

Extended take-home examination/Writing assignments.

Note: This course is jointly-listed with FAS as Societies of the World 31 and HKS as DEV-233.

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# Harvard Law School Course Catalog

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## Political Parties and Public Law

**Course #:** 3058      **Term:** 2021SP      **Faculty:** Elinson, Gregory      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Legal & Political Theory; Legal History

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

Politicians and pundits frequently charge that aggressive partisanship has infected our political institutions. Critics allege that even the federal judiciary has fallen victim to political tribalism, suggesting that judges simply carry water for the party of the president that appointed them. And yet, outside of election law, political parties have received limited focus in the legal academy-and even less in the law school curriculum. This reading group seeks to remedy that relative neglect. Over the course of the semester, we will explore how parties structure public law, focusing on the Constitution, legislation, and administrative law. What are parties? What do they do? And how can they be reformed? We will use a range of texts, including scholarly writing, judicial opinions, and popular commentary. The reading group will meet for six two-hour sessions, and participation will be graded credit/fail. Because the focus will be on the U.S. political system, a working knowledge of U.S. law is assumed.

Note: This reading group will meet on the following dates: 2/4, 2/18, 3/4, 3/25, 4/8, 4/22.

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# Harvard Law School Course Catalog

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## Political Parties in the Law of Democracy

**Course #:** 3030      **Term:** 2020FA      **Faculty:** Rave, Theodore      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Legal & Political Theory

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

Political parties play an essential role in our democracy. But they sit in an uneasy position in the legal framework that regulates our elections. On the one hand, as expressive organizations of private citizens, political parties can claim First Amendment rights of speech and association. On the other hand, as critical pieces of the electoral machinery, they have obligations not to infringe on the fundamental rights of voters. And at a time when partisanship and polarization are high, political parties appear surprisingly weak as institutions. This reading group will examine the role of political parties in the law of democracy. It will consider their rise against the background of a Constitution that contemplates no role for them, their sometimes sordid relationship with minority representation, and the functions they play in organizing representation and governance. We will read leading Supreme Court cases, foundational political science literature, and recent legal scholarship on political parties. We will consider whether political parties have contributed to, or been victims of, polarization, how the law shapes the political environment, and the role of political parties in presidential elections.

Note: This reading group will meet on the following dates: 9/15, 9/22, 9/29, 10/6, 10/20, and 10/27.

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# Harvard Law School Course Catalog

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## Poverty, Human Rights, and Development

**Course #:** 2202      **Term:** 2020FA      **Faculty:** White, Lucie      **Credits:** 3.00  
**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 10:00 AM - 11:30 AM

Fri 10:00 AM - 11:30 AM

**Course Description:** Students who enroll in this offering may count the credits towards the JD international/comparative requirement.  
Prerequisite: None  
Exam Type: No Exam  
This course uses a multidisciplinary lens to explore the linkages between global poverty, human rights, and development from an historical, theoretical, institutional, and policy-making perspective. Its departure point is the emergence of a recent "human rights and development" trend, both in academia and policy, as a result of the combined failure of development economics and the human rights movement to effectively address the challenge of global poverty and inequality.e  
The first part of the course draws on foundational readings from law, development economics, political science, moral philosophy, and social anthropology to introduce historically and normatively situated approaches to development and human rights. The second part explores key themes and current policy debates in the field as they play out at the levels of international financial institutions, national level development strategies, and the private sector. The third part focuses on how human rights to food, health, housing, and a decent livelihood, for instance, can be advanced in developing countries. In this final section of the course, student groups will design and teach workshops about bringing social rights, poverty alleviation, and equitable development together in grounded ways. In addition to readings, response papers, and class exercises, the course will require each student either to take part in teaching an in-class student workshop or write a final paper.  
Students will have the option of adding an additional writing credit.

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# Harvard Law School Course Catalog

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## Practical and Theoretical Regulation of Voting

**Course #:** 2622      **Term:** 2020FA      **Faculty:** Ansolabehere, Stephen      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Legal & Political Theory; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 3:00 PM - 5:00 PM

**Course Description:** Prerequisites: None

Exam Type: No HLS-administered exam

The course will focus on points of contact between legal scholarship on voting rights and election law and the political science literature on redistricting, voting behavior, and elections. Emphasis will be placed on how observed data can be, and should be, used as evidence.

Note: This course is jointly listed with FAS as Gov 2453.

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# Harvard Law School Course Catalog

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## Predatory Lending and Consumer Protection Clinic

**Course #:** 8035      **Term:** 2020FA      **Faculty:** Bertling, Roger; Merrill, Toby; Connor, Eileen      **Credits:** 5.00

**Type:** Clinic      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Predatory Lending and Consumer Protection Clinical Seminar (2 fall classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: WilmerHale Legal Services Center (Jamaica Plain).  
The Predatory Lending/Consumer Protection Clinic combats abuses of consumers by the financial services industry and sellers or financiers of consumer goods, and reversing the negative consequences that can result from those abuses. The Clinic's practice is divided into two parts; a robust general consumer protection practice focused on debt collection, bankruptcy, car financing, utility and credit card debt, and mortgage servicing; and The Project on Predatory Student Lending, which represents students in cases attacking predatory lending by for-profit colleges, including class action litigation. APA litigation and other complex and federal litigation, as well as policy advocacy.  
Our practice is primarily litigation and involves consumer, bankruptcy, administrative, and tort law.  
The Clinic:  
  
commences litigation in federal and state court against predatory for-profit colleges, regulators and high cost lenders, abusive debt collectors, car dealers and others who prey upon our clients.  
defends consumers against unlawful debt collection practices in state court.  
represent consumers seeking a fresh start through petitions for bankruptcy.  
  
We enforce the rights of our clients using the Massachusetts Consumer Protection Act, consumer protection laws of other states, federal and state debt collection laws, the Administrative Procedures Act, the Fair Credit Reporting Act, the Telephone Consumer Protection Act, the Electronic Funds Transfer Act, the Higher Education Act, the Equal Credit Opportunity Act, and federal and state credit repair organization laws.  
Students in the Clinic gain extensive experience with a variety of practical legal skills, including: interviewing clients, analyzing financial documents, drafting complaints, participating in discovery, case strategizing, designing and prosecuting high-impact federal and state class action litigation, administrative law and procedure, negotiation, and occasionally, federal and state policy advocacy. Students will work either in the general consumer practice or the Project on Predatory Student Lending, and may express a preference between the two practice areas by contacting the instructors before the semester begins. We will assign students to their preferred practice area subject to clinic needs.  
For more information on the Predatory Lending / Consumer Protection Clinics general practice, please contact Roger Bertling, (617) 390-2572. For more information on the Project on Predatory Student Lending, contact Toby Merrill, (617) 390-2576.

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# Harvard Law School Course Catalog

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## Predatory Lending and Consumer Protection Clinic

**Course #:** 8035      **Term:** 2021SP      **Faculty:** Bertling, Roger; Merrill, Toby; Connor, Eileen      **Credits:** 5.00

**Type:** Clinic      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Predatory Lending and Consumer Protection Clinical Seminar (2 spring classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
Placement Site: WilmerHale Legal Services Center (Jamaica Plain).  
The Predatory Lending/Consumer Protection Clinic combats abuses of consumers by the financial services industry and sellers or financiers of consumer goods, and reversing the negative consequences that can result from those abuses. The Clinic's practice is divided into two parts: a robust general consumer protection practice focused on debt collection, bankruptcy, car financing, utility and credit card debt, and mortgage servicing, and the Project on Predatory Student Lending, which represents students in cases attacking predatory lending by for-profit colleges, including class action litigation, APA litigation, and other complex and federal litigation, as well as policy advocacy.  
The Clinic is primarily litigation and involves consumer, bankruptcy, administrative, and tort law.  
The Clinic:  
  
commences litigation in federal and state court against predatory for-profit colleges, regulators, high cost lenders, abusive debt collectors, car dealers and others who prey upon our clients.  
defends consumers against unlawful debt collection practices in state court.  
represent consumers seeking a fresh start through petitions for bankruptcy.  
  
We enforce the rights of our clients using the Massachusetts Consumer Protection Act, consumer protection laws of other states, federal and state debt collection laws, the Administrative Procedures Act, the Fair Credit Reporting Act, the Telephone Consumer Protection Act, the Electronic Funds Transfer Act, the Higher Education Act, the Equal Credit Opportunity Act, and federal and state credit repair organization laws.  
Students in the Clinic gain extensive experience with a variety of practical skills, including: interviewing clients, analyzing financial documents, drafting complaints, participating in discovery, case strategizing designing and prosecuting high-impact federal and state class action litigation, administrative law and procedure, and occasionally, federal and state policy advocacy.  
Students will work either in the general consumer practice or the Project on Predatory Student Lending, and may express a preference between the two practice areas by contacting the instructors before the semester begins. We will assign students to their preferred practice area subject to clinic needs.  
For more information on the Predatory Lending / Consumer Protection Clinics general practice, please contact Roger Bertling, (617) 390-2572. For more information on the Project on Predatory Student Lending, contact Toby Merrill, (617) 390-2576.

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# Harvard Law School Course Catalog

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## Predatory Lending and Consumer Protection Clinical Seminar

**Course #:** 2204      **Term:** 2020FA      **Faculty:** Bertling, Roger; Merrill, Toby; Connor, Eileen      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Predatory Lending and Consumer Protection Clinic (3-5 fall clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
The Predatory Lending and Consumer Protection Clinical Seminar is a required component of a clinical placement in the Predatory Lending and Consumer Protection Clinic at the WilmerHale Legal Services Center.  
This workshop is the required classroom component that complements the work of combating abuses of consumers by the financial services industry and fighting back against the negative consequences that can result from those abuses. Specifically, our clinical work focuses on consumer debt collection, for-profit colleges, car financing, utility and credit card debt, bankruptcy, and mortgage servicing.  
The seminar introduces students to the substantive law germane to the clinics areas of practice, trains students in the skills needed to litigate effectively, such as depositions, motion drafting and oral argument, and provides the opportunity for students to think strategically about their cases and to consider larger policy frameworks.  
Students are graded based upon their participation in class, their completion of written work assigned for class, and performance of in-class exercises.  
A clinical practice component is required of all students. Enrollment is through clinical registration. Clinical placements are with the Predatory Lending and Consumer Protection Clinic at the WilmerHale Legal Services Center. Please refer to the Office of Clinical and Pro Bono Programs website for clinical registration dates, early add/drop deadlines, and other relevant information.

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# Harvard Law School Course Catalog

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## Predatory Lending and Consumer Protection Clinical Seminar

**Course #:** 2204      **Term:** 2021SP      **Faculty:** Bertling, Roger; Merrill, Toby; Connor, Eileen      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Predatory Lending and Consumer Protection Clinic (3-5 spring clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application.  
The Predatory Lending and Consumer Protection Clinical Seminar is a required component of a clinical placement in the Predatory Lending and Consumer Protection Clinic at the WilmerHale Legal Services Center.  
This workshop is the required classroom component that complements the work of combating abuses of consumers by the financial services industry and fighting back against the negative consequences that can result from those abuses. Specifically, our clinical work focuses on consumer debt collection, for-profit colleges, car financing, utility and credit card debt, bankruptcy, and mortgage servicing.  
The seminar introduces students to the substantive law germane to the clinics areas of practice, trains students in the skills needed to litigate effectively, such as depositions, motion drafting and oral argument, and provides the opportunity for students to think strategically about their cases and to consider larger policy frameworks.  
Students are graded based upon their participation in class, their completion of written work assigned for class, and performance of in-class exercises.  
A clinical practice component is required of all students. Enrollment is through clinical registration. Clinical placements are with the Predatory Lending and Consumer Protection Clinic at the WilmerHale Legal Services Center. Please refer to the Office of Clinical and Pro Bono Programs website for clinical registration dates, early add/drop deadlines, and other relevant information.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Presidential Elections: War Gaming 2020

**Course #:** 3062      **Term:** 2020FA      **Faculty:** Lessig, Lawrence      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Government Structure & Function

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

The actual process for selecting the President is enormously complicated. Beyond the complexity of the Electoral College, described in the Constitution, the process is putatively governed by the Electoral Count Act, a 19th-century statute shot through with ambiguity and uncertainty. In any election, it creates uncertainty. But in an election such as 2020, its ambiguity could be catastrophic.

This seminar will map the possibilities for this election under the Electoral Count Act, and produce, collectively, a flowchart to help the public understand what might happen when. With each node, students will prepare an outline of the open issues and possible complications. Ideally, we'll be able to code clear questions as distinct from less clear. The class will begin with a deep dive into the Electoral Count Act, and the questions it raises. Very quickly, students will identify the parts of the puzzle they want to focus on, and present their findings beginning in week 3.

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# Harvard Law School Course Catalog

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## Presidential Power in an Era of Conflict

**Course #:** 2949      **Term:** 2021SP      **Faculty:** Eggleston, W. Neil      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function; Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment

Exam Type: No Exam

This course will explore the modern exercise of Presidential power in foreign affairs, military and covert actions, domestic affairs, and executive actions. We will consider the Vesting Clause, the Necessary and Proper Clause, and the Take Care Clause; the Presidents war powers, treaties, and other diplomacy; the appointment and confirmation of Officers; the power to grant pardons and commutations; and ethical issues in Presidential administrations. The course will examine the extent of and constraints on Presidential power and the ways in which executive branch conflicts with the other two branches of government are addressed and resolved. While focusing on contemporary issues and recent disputes, the course will draw on historical precedent to give students a grounded and contextual understanding of Presidential power.

Note: This seminar is not available for cross-registration.

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## Private Law Workshop

**Course #:** 2206      **Term:** 2020FA      **Faculty:** Goldberg, John; Smith, Henry      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 3:00 PM - 5:00 PM

**Course Description:** Prerequisite: Admission is by permission of the instructors. Students who wish to be considered for the seminar should submit a CV to Henry Smith (hesmith@law.harvard.edu). Recommended deadline for consideration is July 29th, however, applications will be considered on a rolling basis.

Exam Type: No Exam

This workshop will explore the foundations of private law - property, contracts, torts, and restitution. Emphasis will be on theories that offer explanations, justifications, and criticisms of architectural features of these areas of law and of their connections to one another. Sessions will be devoted to paper presentations by outside speakers and to discussions of classic and contemporary works reflecting philosophical, historical, and economic approaches to private law topics.

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# Harvard Law School Course Catalog

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## Progressive Alternatives: Institutional Reconstruction Now

**Course #:** 2391      **Term:** 2021SP      **Faculty:** Unger, Roberto Mangabeira      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: None

Exam: Takehome, not administered by HLS

An exploration of the past and future agenda of progressives, whether self-described as liberals or as leftists. What should they propose, now that they no longer believe in the usefulness of governmental direction of the economy or in the sufficiency of redistributive social programs? A basic concern is the relation of programmatic thought to the understanding of change and constraint. In the recent historical period, progressives have sought to humanize the established order rather than to reimagine and remake it. Here the main focus is on institutional or structural change in the market system and in democratic politics. Among the themes to be discussed are the nature and future of the knowledge economy, the status of labor vis-a-vis capital, the relation of finance to production, the making of a high-energy democracy that no longer needs crisis to make change possible, and the education required by such economic and political alternatives. A central theme throughout is the content and implications of the idea of freedom.

Note: This course is jointly offered with FAS as Government 1092 and HKS as DPI-348. It is open to graduate and undergraduate students alike.

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# Harvard Law School Course Catalog

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## Property 1

**Course #:** 1004      **Term:** 2020FA      **Faculty:** Kelly, Daniel      **Credits:** 4.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:00 AM - 12:00 PM

Tue 10:00 AM - 12:00 PM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course deals with characteristic arrangements under American law for the creation and transfer of rights to control and exploit property. The relationships of these arrangements to efficient resource use, the pattern of wealth distribution, and other social concerns will be explored as they are reflected in both judicial decision-making and legislative reform. Subject to variations of emphasis among professors, topics will cover aspects of commercial land transfers such as sale contracts, mortgages, leases, conveyances, recording, and other methods of title assurance; and means of limiting private land-use in the public interest such as zoning, health and safety regulations, protection of minority or economically disadvantaged groups, eminent domain, and taxes. The historical categories and assumptions of American real property law will be considered with a view to examining their relevance to modern social and economic conditions.

Textbook(s): Thomas W. Merrill & Henry E. Smith, Property: Principles and Policies (3d ed. 2017)

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Property 2

Course #: 1004      Term: 2020FA      Faculty: Singer, Joseph      Credits: 4.00  
Type: 1lcourse      Subject Areas: Not Applicable

Delivery Mode: Course

Days and Times:      Location

Mon 8:10 AM - 10:10 AM

Tue 8:10 AM - 10:10 AM

Course Description: Exam type: Please refer to the Fall 2020 Tentative Exam Schedule

This course deals with characteristic arrangements under American law for the creation and transfer of rights to control and exploit property. The relationships of these arrangements to efficient resource use, the pattern of wealth distribution, and other social concerns will be explored as they are reflected in both judicial decision-making and legislative reform. Topics will cover aspects of commercial land transfers such as leases, conveyances, recording, and other methods of title assurance; the role of property law in producing and remedying racial and economic inequality; private land use planning methods; and zoning, health and safety regulations, and takings doctrine. The historical categories and assumptions of American real property law will be considered with a view to examining their relevance to modern social and economic conditions.

Textbook(s): Joseph William Singer, &nbsp;Persuasion: Getting to the Other Side (Carolina Academic Press 2020) (ISBN:&nbsp;978-1-5310-1225-0)  
Singer, Berger, Davidson, & Pe&ntilde;alver, Property Law: Rules, Policies, & Practices (Wolters Kluwer 2017) (ISBN: 978-1-4548-8179-7)  
[https://www.wklegaledu.com/aspen-casebook-series/id-9781454881797/property\\_law\\_rules\\_policies\\_and\\_practices\\_seventh\\_edition](https://www.wklegaledu.com/aspen-casebook-series/id-9781454881797/property_law_rules_policies_and_practices_seventh_edition)

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## Harvard Law School Course Catalog

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### Property 3

**Course #:** 1004      **Term:** 2021SP      **Faculty:** Brady, Maureen      **Credits:** 4.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 3:20 PM - 4:40 PM

Tue 3:20 PM - 4:40 PM

Wed 3:20 PM - 4:40 PM

**Course Description:** Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course deals with characteristic arrangements under American law for the creation and transfer of rights to control and exploit property. The relationships of these arrangements to efficient resource use, the pattern of wealth distribution, and other social concerns will be explored as they are reflected in both judicial decision-making and legislative reform. Subject to variations of emphasis among professors, topics will cover aspects of commercial land transfers such as leases, conveyances, recording, and other methods of title assurance; the role of property law in producing and remedying racial and economic inequality; private land use planning methods; and zoning, health and safety regulations, and takings doctrine. The historical categories and assumptions of American real property law will be considered with a view to examining their relevance to modern social and economic conditions.

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### Property 4

**Course #:** 1004      **Term:** 2021SP      **Faculty:** Benkler, Yochai      **Credits:** 4.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Course Description:** Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

Basic introduction to property and the role of law in the construction of markets and social relations; an introduction to the vocabulary and grammar of legal forms; and initial development of skills in institutional design and critical examination of the effects of different legal arrangements on the social and economic relations they regulate.

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# Harvard Law School Course Catalog

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## Property 5

**Course #:** 1004      **Term:** 2020FA      **Faculty:** Mack, Kenneth      **Credits:** 4.00  
**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 10:00 AM - 11:20 AM  
Wed 10:00 AM - 11:20 AM  
Thu 10:00 AM - 11:20 AM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course deals with characteristic arrangements under American law for the creation and transfer of rights to control and exploit property. The relationships of these arrangements to efficient resource use, the pattern of wealth distribution, and other social concerns will be explored as they are reflected in both judicial decision-making and legislative reform. Topics will cover aspects of commercial land transfers such as leases, conveyances, recording, and other methods of title assurance; the role of property law in producing and remedying racial and economic inequality; private land use planning methods; and zoning, health and safety regulations, and takings doctrine. The historical categories and assumptions of American real property law will be considered with a view to examining their relevance to modern social and economic conditions.

Textbook(s): Joseph William Singer, Bethany R. Berger, Nestor M. Davidson & Eduardo Moisevaler, Property Law: Rules, Policies, and Practices (7th edition, 2017)

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# Harvard Law School Course Catalog

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## Property 6

**Course #:** 1004      **Term:** 2021SP      **Faculty:** Fisher, William      **Credits:** 4.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 8:20 AM - 9:40 AM

Thu 8:20 AM - 9:40 AM

Fri 8:20 AM - 9:40 AM

**Course Description:** Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course deals with characteristic arrangements under American law for the creation and transfer of rights to control and exploit property. The relationships of these arrangements to efficient resource use, the pattern of wealth distribution, and other social concerns will be explored as they are reflected in both judicial decision-making and legislative reform. Subject to variations of emphasis among professors, topics will cover aspects of commercial land transfers such as sale contracts, mortgages, leases, conveyances, recording, and other methods of title assurance; and means of limiting private land-use in the public interest such as zoning, health and safety regulations, protection of minority or economically disadvantaged groups, eminent domain, and taxes. The historical categories and assumptions of American real property law will be considered with a view to examining their relevance to modern social and economic conditions.

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# Harvard Law School Course Catalog

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## Property 7

**Course #:** 1004      **Term:** 2020FA      **Faculty:** Smith, Henry      **Credits:** 4.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:10 PM - 3:10 PM

Tue 1:10 PM - 3:10 PM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course deals with characteristic arrangements under American law for the creation and transfer of rights to control and exploit property. The relationships of these arrangements to efficient resource use, the pattern of wealth distribution, and other social concerns will be explored as they are reflected in both judicial decision-making and legislative reform. Subject to variations of emphasis among professors, topics will cover aspects of commercial land transfers such as sale contracts, mortgages, leases, conveyances, recording, and other methods of title assurance; and means of limiting private land-use in the public interest such as zoning, health and safety regulations, protection of minority or economically disadvantaged groups, eminent domain, and taxes. The historical categories and assumptions of American real property law will be considered with a view to examining their relevance to modern social and economic conditions.

Textbook(s):

Thomas W. Merrill & Henry E. Smith, Property: Principles and Policies (3d ed., Foundation Press, 2017), ISBN: 9781628101027.

Thomas W. Merrill & Henry E. Smith, The Oxford Introductions to U.S. Law: Property (Oxford University Press, 2010), ISBN: 978-0195314762.

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# Harvard Law School Course Catalog

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## Prosecution Clinical Course

**Course #:** 2328      **Term:** 2021SP      **Faculty:** Corrigan, John      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 5:00 PM - 8:00 PM

**Course Description:** Students who enroll in this course may count the credits towards the JD professional responsibility requirement.  
Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Open to 3Ls only  
Required Clinic Component: ITA Prosecution Perspectives (5 spring clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: Trial Advocacy Workshop (TAW) and Evidence. Students must enroll in both TAW and Evidence separate from their clinical registration.  
By Permission: No.  
Add/Drop Deadline: August 31, 2020.  
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.  
This course will focus on the role of and decision-making by the prosecutor in the criminal justice system, with particular attention to the exercise of discretion by the prosecutor in investigation, charging, plea negotiation and sentencing recommendation decisions. It will also involve an examination of the lawyering skills involved in case analysis, interviewing witnesses, and negotiation, and other aspects of case handling and courtroom advocacy, in the context of the District Court.

A clinical practice component is required of all students. Students must have at least two full days in their schedule free from 8am to 5pm for the clinical component. Clinical placements are with the Middlesex, Norfolk, Suffolk, or Essex County District Attorneys Office. Under the supervision of assistant district attorneys, students work a minimum of twenty hours per week to represent the Commonwealth in prosecuting District Court criminal cases. While student experiences vary, students are likely to handle arraignments, bail hearings, pretrial conferences, motion hearings, pleas and trials. Some students may handle a jury trial. Clinical placements will begin immediately after the completion of the fall Trial Advocacy Workshop. Readings will consist primarily of multilithed materials. Students are required to keep a journal relating to their fieldwork experiences and to prepare several short practical skills exercises. Enrollment is through clinical registration. Please refer to the Office of Clinical and Pro Bono Programs website for clinical registration dates, early add/drop deadlines, and other relevant information.

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## Protecting Consumer Data Privacy in an Era of Digital Risk

**Course #:** 3041      **Term:** 2020FA      **Faculty:** Cable, Sara      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment;  
Regulatory Law

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

Today’s digital economy relies on the collection, analysis, sale, and monetization of consumers’ personal data. Every time consumers pick up their smartphones, go on the internet, drive, shop, walk in public, or just sit quietly in their homes, they disclose sensitive data about themselves to a vast digital ecosystem that exists to collect and monetize it. These innovative technologies yield tremendous potential, but present serious privacy concerns and unknown risks. There is no general state or federal law that confers a right to data privacy on the internet. In this absence, State Attorneys General have stepped up as the cops on the beat, using their traditional consumer protection powers to try to balance the playing field between consumers and corporate players in the digital marketplace and hold companies responsible for failing to protect the privacy of consumers’ data. But are state consumer protection laws, many decades-old, up to the task? What should be the "rules of the road" for data use, and is state law, or any law, the right way to establish them? What kind of privacy harm should be cognizable, and how does it get determined, measured, prevented, and redressed?

In this reading group, we will examine the existing data privacy and security regulatory landscape, the role of State Attorneys Generals and state consumer protection law, and its interaction with federal legislative efforts. Drawing from past settlements, key cases, and state and federal regulations and law, discussants will analyze data privacy and cybersecurity problems pulled from the headlines and discuss and propose various approaches that a regulator might take to solve them.

Note: This reading group will meet 9/16, 9/30, 10/14, 10/28, 11/11, 12/2.

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## Public Health Law and Policy

**Course #:** 2497      **Term:** 2020FA      **Faculty:** Greenwald, Robert; Rosenberg, Amy      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Health Law; International, Comparative & Foreign Law; Legal History; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisites: This seminar is open to LLM students by permission.  
Exam Type: No Exam  
This seminar provides an overview of the historical law and policy decisions that have shaped the U.S. health care system and are informing current debates about health reform. Incorporating varying perspectives, the seminar discusses federal and state policy options to address current health and public health challenges.  
This seminar begins with an analysis of health systems in other countries. Next, we discuss the key policy decisions that have shaped the current patchwork of public and private insurance coverage options in this country. After providing this international and historical context, we analyze in detail the key elements of the current U.S. health and public health care systems through the lens of its impact on vulnerable populations. We look at the components of the federal approach to reform, including the national health care reform law the Patient Protection and Affordable Care Act. We also consider several state initiatives that highlight how states are acting as laboratories of innovation to implement sweeping health and public health reforms. Finally, we discuss the current health law and policy climate in this country and explore both the opportunities and challenges for health policy solutions focused on increasing access to care and addressing public health concerns.  
This seminar is open to students interested in health and public health law and policy; no background or prerequisites are required. The reading materials include various book chapters, cases, news reports, and scholarly articles that present diverse viewpoints on the topics presented. The course employs experiential learning techniques, such as role plays, simulations, and discussion posts to spark debate between different sides of often controversial issues. Over the course of a semester, students gain a wealth of hands-on experience in current and emerging health law and policy issues, produce a written policy paper, and develop a range of problem-solving, policy analysis, research and writing, oral communication, advocacy and leadership skills.  
Some seats are reserved for students in the fall Health Law and Policy clinic. Students who claim a clinical seat in this course will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student in a clinical seat drops the fall Health Law and Policy clinic, they will also lose their reserved seat in this course. Please note that there is an early drop deadline of August 14, 2020 for fall clinical students in this course.  
Enrollment in this seminar is limited to 20.

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# Harvard Law School Course Catalog

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## Public Health Law and Policy

**Course #:** 2497      **Term:** 2021SP      **Faculty:** Greenwald, Robert; Rosenberg, Amy      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Health Law; International, Comparative & Foreign Law; Legal History; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisites: This seminar is open to LLM students by permission.  
Exam Type: No Exam  
This seminar provides an overview of the historical law and policy decisions that have shaped the U.S. health care system and are informing current debates about health reform. Incorporating varying perspectives, the seminar discusses federal and state policy options to address current health and public challenges.  
This seminar begins with an analysis of health systems in other countries. Next, we discuss the key policy decisions that have shaped the current patchwork of public and private insurance coverage options in this country. After providing this international and historical context, we analyze in detail the key elements of the current U.S. health and public health care systems through the lens of its impact on vulnerable populations. We look at the components of the federal approach to reform, including the national health care reform law the Patient Protection and Affordable Care Act. We also consider several state initiatives that highlight how states are acting as laboratories of innovation to implement sweeping health and public health reforms. Finally, we discuss the current health law and policy climate in this country and explore both the opportunities and challenges for health policy solutions focused on increasing access to care and addressing public health concerns.  
This seminar is open to students interested in health and public health law and policy; no background or prerequisites are required. The reading materials include various book chapters, cases, news reports, and scholarly articles that present diverse viewpoints on the topics presented. The course employs experiential learning techniques, such as role plays, simulations, and discussion posts to spark debate between different sides of often controversial issues. Over the course of a semester, students gain a wealth of hands-on experience in current and emerging health law and policy issues, produce a written policy paper, and develop a range of problem-solving, policy analysis, research and writing, oral communication, advocacy and leadership skills.  
Some seats are reserved for students in the spring Health Law and Policy clinic. Students who claim a clinical seat in this course will be enrolled in this course by the Office of Clinical and Pro Bono Programs. If a student in a clinical seat drops the spring Health Law and Policy clinic, they will also lose their reserved seat in this course. Please note that there is an early drop deadline of December 4, 2020 for spring clinical students in this course.  
Enrollment in this seminar is limited to 22

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## Public International Law

**Course #:** 2212      **Term:** 2021SP      **Faculty:** Blum, Gabriella      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD international/comparative requirement.  
Prerequisites: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This is an introductory course to public international law. The first part of the course examines the nature, sources, and methods of international law, the relationship between international law and domestic U.S. law, the determination of international responsibility and the resolution of international disputes, and the bases of national jurisdiction over international conduct. In the second part of the course we will study select substantive areas of international law, including the use of force and the laws of war, human rights, international criminal law, and international trade law. Where relevant, the course will follow current events.

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# Harvard Law School Course Catalog

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## Public International Law

**Course #:** 2212

**Term:** 2020FA

**Faculty:** Helal, Mohamed

**Credits:** 3.00

**Type:** Multisection

**Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 8:00 AM - 9:30 AM

Fri 8:00 AM - 9:30 AM

**Course Description:** Students who enroll in this offering may count the credits towards the JD international/comparative requirement.  
Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This is an introductory course on Public International Law, which is the field of law that governs relations between sovereign states and, to varying degrees, between a diverse set of actors, including individuals, civil society, corporations, international organizations, and NGOs. Having a background in international law and understanding its foundational rules is essential for all law students, whether those interested in international affairs or those planning to pursue careers in any area of domestic law practice. In a world where virtually every area of life and human interaction is globalized, grasping the ground rules that regulate transnational relations is indispensable for us both as lawyers and individuals. In fact, international law is a vital instrument of global governance and is essential to addressing a wide range of global policy issues and challenges such as maintaining international peace and security, combating terrorism, protecting human rights and human health, preserving the environment, promoting world trade, and managing the global commons.

This course is divided into three parts.

Part One focuses on the sources of international law. It introduces students to the international lawmaking process and identifies the principal lawmakers in the international legal system. Special attention will be given to the law of treaties and the processes of the formation and evolution of customary international law.

Part Two deals with the subjects of international law. These are the actors governed by international law. This part will principally focus on sovereign states, which are the primary actors in the international legal system, by examining the elements of statehood and the rules governing international territorial disputes.

Part Three introduces students to specific subject-areas of international law. These areas are: the use of armed force by states, international humanitarian law, human rights law, international criminal law, the law of the sea and the rules of maritime delimitation. Because each of these areas is large enough to warrant an entire semester-long course, discussion of these topics in this class will be limited to introductory concepts that provide students with a basic understanding of these fields.

Textbook(s):

International Law, 2nd ed. (paperback)

author: Jan Klabbbers

Cambridge University Press

ISBN: 9781316506608

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# Harvard Law School Course Catalog

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## Public Law Workshop

**Course #:** 2213      **Term:** 2021SP      **Faculty:** Renan, Daphna; Manning, John      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: Instructor permission is required for enrollment. Applicants should send a statement of interest and resume to Ellen Shapiro-Smith at [eshapirosmith@law.harvard.edu](mailto:eshapirosmith@law.harvard.edu). Deadline is October 30, 2020.

Exam Type: No Exam

Students will be required to write weekly questions and one response paper.

The Public Law Workshop reads contemporary work, in legal theory and adjacent disciplines, on the legal and political foundations of constitutional law, interpretive practice, and the administrative state. Invited speakers will present papers on topics relevant to the workshops themes.

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## Public Problems: Advice, Strategy, and Analysis

**Course #:** 2398      **Term:** 2020FA      **Faculty:** Barron, David; Fung, Archon; Wald, Sarah      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Government Structure & Function

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Thu 3:00 PM - 5:00 PM

**Course Description:** Prerequisite: Instructor permission is required for enrollment. For students who want permission to enroll, please email Professors Barron and Fung expressing why you would like to take the seminar by August 1st. Their emails are [archon\\_fung@harvard.edu](mailto:archon_fung@harvard.edu) and [dbarron@law.harvard.edu](mailto:dbarron@law.harvard.edu).

Exam type: No Exam

This is a two-credit jointly taught seminar that is required for students in their third year of the HLS/HKS joint degree program. It will use a series of case studies to examine how to analyze, advise and strategize the resolution of a series of difficult real world public problems at the intersection of law and policy from the vantage point of government decision makers at the city, state and federal levels, as well as from the vantage point of nongovernmental organizations and advocacy groups.

Students enrolled at the Kennedy School who have already received a JD or have completed the first year of law school, or students at the law school who have received a public policy degree or are presently enrolled in a public policy program other than the HKS program may also take this seminar with the permission of Professors Barron and Fung.

Note: This course is jointly-listed with HKS as DPI-562.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Punishment, Prisons, and Justice

**Course #:** 2456      **Term:** 2021SP      **Faculty:** Kelly, Erin      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This reading group will interrogate theories and practices of punishment in relation to the American criminal justice system-a system that incarcerates people at a world-leading rate and severely impedes post-incarceration reentry into society. Discussion will be anchored by my recent book, *The Limits of Blame: Rethinking Punishment and Responsibility* (Harvard Univ. Press, 2018), and will include a range of other perspectives on punishment and prisons-retributive justice, focused deterrence, restorative justice, reconciliation, transformative justice, reparations, and prison abolition-in order to grapple with the ethics of criminal justice with regard to individual wrongdoing and social injustice.

Note: This reading group will meet on the following dates: 1/28, 2/11, 2/25, 3/11, 4/1, 4/15.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Quantitative Reasoning

**Course #:** 2009      **Term:** 2021WI      **Faculty:** Yang, Crystal      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 9:00 AM - 12:30 PM

Tue 9:00 AM - 12:30 PM

Wed 9:00 AM - 12:30 PM

Thu 9:00 AM - 12:30 PM

Fri 9:00 AM - 12:30 PM

**Course Description:** Prerequisite: None

Exam Type: Last Class Take-home

This course provides an introduction to quantitative concepts and methods that are increasingly important for lawyers. We will explore these concepts through application to contexts such as election fraud, employment discrimination, jury selection, criminal law, and antitrust.&nbsp;The goal of the course is to provide students with the skills necessary to engage in quantitative reasoning and to become savvy consumers of quantitative evidence. This course does not require any background in mathematics, economics, or statistics.

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# Harvard Law School Course Catalog

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## Race and the Law

**Course #:** 3076      **Term:** 2021SP      **Faculty:** Jenkins, Alan      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Legal History

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: None  
  
Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course will explore the role of race and ethnicity in American legal jurisprudence and history. Areas of focus will include changing legal definitions of race, conceptions of lawful and unlawful discrimination, and elements of proof. The class will also explore how extrajudicial dynamics such as social protest, backlash, and popular culture have interacted with constitutional interpretation and enforcement. Discussion will include practical legal applications, critical analysis of cases, and alternative solutions and approaches. Note: This course will have some overlap with Professor Aziza Ahmeds Spring 2021 Critical Race Theory seminar. Students interested in enrolling in both offerings are asked to consult with Professor Jenkins and Ahmed.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Racial Justice and the Law

**Course #:** 2051      **Term:** 2020FA      **Faculty:** Jenkins, Alan      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Legal History

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Thu 7:00 PM - 9:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam  
There will be no paper or exam, and students will be graded credit/no credit.

This reading group will explore a variety of scholarly perspectives on racial justice and the law, with a focus on understanding and overcoming the obstacles to greater and more equal opportunity in U.S. systems and institutions. We will discuss how different analytical and practical approaches apply to contemporary challenges in our criminal justice, employment, educational, and other systems. And we will discuss the past and present roles of incremental reform, transformative change, backlash, and retrenchment. The question throughout will be: what is the best path forward for racial justice?

Note: This reading group will meet approximately every other week for two hours. Specific dates are 9/10, 9/24, 10/8, 10/22, 11/5, and 11/19.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Racial Justice Reading Group

**Course #:** 2953      **Term:** 2021SP      **Faculty:** Rossi, Patricio      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Mon 3:20 PM - 4:40 PM

**Course Description:** Please Note: This by-permission reading group is available only to current HLAB students. Harvard Legal Aid Bureau members see firsthand, on a daily basis, the impact of race on their clients’s lives, their legal needs, their legal rights and responsibilities, and their ability to seek and secure justice in the civil court system. While we consider race-based inequality and the concept of “racial justice” in our broader discussions of legal ethics and professionalism, lawyering skills, and access to justice in both Bureau seminars, Introduction to Advocacy (2Ls) and Advanced Clinical Practice (3Ls), a deep study of the enormous impact of race on our work is beyond the scope of those courses. The racial justice reading group offers HLAB members the opportunity for a deeper discussion and understanding of race and the U.S. civil legal system, helping you to become more competent, more creative 21st century lawyers and social justice leaders. The reading group will be graded Credit/Fail based upon class participation.  
This reading group will meet 8 times during the semester on the following dates: 1/25, 2/8, 2/22, 3/1, 3/8, 3/22, 4/5, and 4/12.

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# Harvard Law School Course Catalog

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## Real Estate

**Course #:** 2218      **Term:** 2020FA      **Faculty:** Kelly, Daniel      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice; Regulatory Law

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This reading group will focus on some of the perennial issues and recent developments involving the law, policy, and theory of real estate. Real estate is the world’s largest asset class; the global financial crisis of 2008 was just one indication of the importance of real estate in a modern economy. Real estate also affects nearly every aspect of our lives, and the world we leave to future generations. Readings and class sessions will address the role of real estate in, among other topics, the rise and fall of cities; urban renewal, poverty, and crime; housing and suburban sprawl; office space and skyscrapers; technology, innovation, and the environment; and economic growth and human flourishing.

Note: This reading group will meet on the following dates: 9/16, 9/30, 10/14, 10/28, 11/11, and 12/2.

Textbook(s):  
Edward Glaeser, Triumph of the City: How Our Greatest Invention Makes Us Richer, Smarter, Greener, Healthier, and Happier (2011).

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Regulation of Financial Institutions

**Course #:** 2219

**Term:** 2020FA

**Faculty:** Jackson, Howell

**Credits:** 4.00

**Type:** Elective

**Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

Wed 3:20 PM - 4:50 PM

**Course Description:** Prerequisite: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

Students enrolled in the course will be expected to prepare one short research paper on a topic of current interest. There will also be a take-home examination question distributed at the last class and designed to give students an opportunity to reflect upon some of the broad themes we will explore over the course of the semester.

This course explores the regulation of financial institutions and financial markets.&nbsp;Over the course of the semester, we will examine the many different regulatory agencies and supervisory mechanisms that have evolved in the United States to govern the business of banks, securities firms, asset managers and insurance companies. The course will cover prudential regulation and consumer protection, as well as the oversight of systemic risks. While the primary focus of the course will be on financial regulation in the United States, readings and class discussion will frequently extend to comparative, cross-border, and multi-lateral aspects of financial regulation.&nbsp;The course is structured to give students a broader overview of financial regulation in the United States.

In the Fall of 2020, a particular focus of the course will be to consider the extent to which the Trump Administration and its appointees have altered the regulatory reforms put in place under the Dodd-Frank Act of 2010 in the wake of the financial crisis of the last decade.&nbsp;We will also focus on recent developments in supervisory and compliance practices, areas of current concern to both regulators and practitioners.&nbsp;Among other things, this topic will allow us to consider a number of open questions regarding the application of administrative law principles in the context of financial regulation.

Readings will primarily be from Barr, Jackson & Tahyar, Financial Regulation: Law and Policy (Foundation Press 2nd ed. 2018) though some supplemental materials will be posted to the courses Canvas website, including several case studies posing issues of current policy concern.

The course will meet for thirty-two sessions of an hour and thirty minutes, with classes ending by Thanksgiving Break. The meeting dates will be posted on Canvas before the start of the semester.

Textbook(s): REQUIRED ISBN: 9781640202498 Author: Michael S. Barr, Howell E. Jackson, and Margaret E. Tahyar Title: Financial Regulation: Law and Policy Edition: Second Publisher: West Academic

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Regulation of International Finance

**Course #:** 2124

**Term:** 2021SP

**Faculty:** Tarullo, Daniel

**Credits:** 3.00

**Type:** Elective

**Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 10:20 AM - 11:50 AM

Wed 10:20 AM - 11:50 AM

**Course Description:** Students who enroll in this offering may count the credits towards the JD international/comparative requirement.

Prerequisite: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course will examine international arrangements for the regulation of finance. Arrangements covered include the International Monetary Fund, the Financial Stability Board, the Basel Committee on Banking Supervision, the European Union, and the General Agreement on Trade in Services within the World Trade Organization. Specific substantive topics will be chosen to illustrate their activities. We will consider the substantial differences among these arrangements in institutional and governance structures, legal status, and relationship to domestic regulation. A recurring theme will be the tensions between the presumptive shared interests of governments in predictable rules or financial stability, on the one hand, versus divergent national commercial interests or regulatory preferences, on the other.

Note: This course is jointly listed with HKS as BGP-631.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Religious Freedom Clinic

Course #: 8055	Term: 2020FA	Faculty: Sonne, James	Credits: 3.00
Type: Clinic	Subject Areas: Constitutional Law & Civil Rights; Procedure & Practice		
Delivery Mode: Clinic			
Days and Times:	Location		

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Religious Freedom Clinic Seminar (2 classroom credits). The clinic and its classroom component are bundled; your enrollment in the clinic will automatically enroll you in the required seminar.  
Additional Co-/Pre-Requisites: None.  
By Permission: Yes. Applications are due by August 28, 2020.  
Add/Drop Deadline: August 14, 2020.  
Placement Site: HLS.  
This offering provides students a hands-on, supervised experience representing a diverse group of clients in legal matters arising from a wide range of beliefs, practices, and circumstances. As a pro bono program dedicated to building bridges in service to those in need, the clinic focuses on representing members of minority faiths, the vulnerable, and those who serve or support them in our pluralistic society. This includes helping the imprisoned, victims of workplace discrimination, and those facing obstacles in ministering to migrants, the poor, and their communities.  
Application Process: Admission to the Religious Freedom Clinic is by permission of the instructor, Jim Sonne. Interested students should submit an application to [clinical@law.harvard.edu](mailto:clinical@law.harvard.edu) by August 28, 2020. The application should include the following documents, combined into a single PDF: resume (with expected graduation date), transcript (unofficial is fine), and a statement of interest of no more than one page that outlines the student’s reasons for applying to the clinic.

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Harvard Law School Course Catalog

2020-2021 Academic Year  
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Religious Freedom Clinical Seminar

Course #: 3064      Term: 2020FA      Faculty: Sonne, James      Credits: 2.00

Type: Elective      Subject Areas: Constitutional Law & Civil Rights

Delivery Mode: Seminar

Days and Times:      Location

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Religious Freedom Clinic (3 clinical credits). The seminar and its clinic component are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: Yes. Applications are due by August 28, 2020. Please see the clinics description for more information.  
Add/Drop Deadline: August 14, 2020.

This seminar is the required and restricted classroom component for students enrolled in the Religious Freedom Clinic. It introduces students to the history, theory, and law of religious freedom - and its limits - with an emphasis on settings presented by the Clinics fieldwork that term. The seminar also develops the skills and norms central to the practice and profession of religious-freedom advocacy, with an emphasis on cross-cultural competency, reflective lawyering, and an innovative defense of the marginalized, maligned, and misunderstood.

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# Harvard Law School Course Catalog

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## Repairing Wrongs: Crimes and Torts

**Course #:** 2655      **Term:** 2021SP      **Faculty:** Bronsther, Jacob      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Criminal Law and Procedure; Legal & Political Theory

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
If Alice assaults Billie, she has committed both a crime and a tort in the same instant. The state can criminally punish her and Billie can sue her for damages. Through the close reading of philosophical texts, this Reading Group tries to make sense of these overlapping legal systems. Themes include the moral justification of criminal punishment and tort law remedies, the difference between criminal and tortious wrongs, the public/private law distinction, the means by which individuals can repair their wrongs, and the dual expansion of both criminal and tort liability. The Reading Group will meet for six two-hour sessions, and participation will be graded credit/fail.

Note: This reading group will meet on the following dates: 2/3, 2/17, 2/24, 3/24, 4/7, 4/14.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Reproductive Rights and Justice

**Course #:** 2540      **Term:** 2021SP      **Faculty:** Ahmed, Aziza      **Credits:** 3.00  
**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Criminal Law and Procedure; Family, Gender & Children's Law; Human Rights; International, Comparative & Foreign Law; Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 10:00 AM - 11:30 AM  
Fri 10:00 AM - 11:30 AM

**Course Description:** Prerequisites: None  
  
Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course will examine how laws impede or increase access to sexual and reproductive health (SRH) care domestically and internationally. Special attention will be paid to understanding the role of social movements in legal and political debates about reproductive rights and the contestation around the use of scientific and medical evidence in law reform efforts. The course will draw on various legal and theoretical and analytic tools including those offered by scholars of health law, constitutional law, human rights, law and social movements, critical legal theory (including critical race theory), and feminist theory. Topics covered will include, but are not limited to, abortion, eugenics, sexual violence, trafficking, the prosecution of pregnant women, and assisted reproductive technology.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Reproductive Technology and Genetics: Legal and Ethical Issues

**Course #:** 2222

**Term:** 2021SP

**Faculty:** Cohen, I. Glenn

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Health Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Tue 8:00 PM - 10:00 PM

### Course Description:

Prerequisites: None

Exam Type: No Exam

Should individuals be able to sell reproductive materials like sperm and ova, or reproductive services like surrogacy? Should the law require individuals diagnosed with diseases like Huntingtons diseases to disclose to family members that they too are at risk for the disease? Should prenatal sex selection be a crime? Should federal funds be used for stem cell research? Should law enforcement be able to bank DNA samples collected from suspects and perpetrators? Should we allow Gene editing? Should doctors be able to patent cell lines developed from their patients bodies?

Since Watson and Cricks discovery of the double helix structure of DNA in 1953, and the 1978 birth of Louis Brown, the first child conceived through in vitro fertilization, pressing questions like these have propagated. In this course we will cut across doctrinal categories to examine how well the law and medical ethics have kept up, and plot directions for fruitful development. Topics covered may include: \* Prenatal genetic screening and sex selection \* Genetic enhancement \* The sale of sperm and ova and access to reproductive technology \* Surrogacy \* Cloning \* Preembryo disposition disputes \* Wrongful birth, wrongful conception, and wrongful life torts \* The parentage and anonymity of gamete donors. \* Imposition of criminal liability on mothers and third parties for harm to fetuses \* The use of genetic information by insurers and employers \* The collection of genetic information by the state and the criminal justice system \* Biobanking \* Chimeras (human-animal hybrids) \* Uterus Transplants\* \* stem cells and embryo destruction\* The patenting of genes and their derivatives \* Research ethics issues involving fetuses and embryos \* Pharmacogenomics and Race.

Evaluation will be based on participation and two response papers due at various points in the semester.

Each paper will have a word limit of 2,000 words (including footnotes, not including the cover page).

The course reading will consist primarily of law review, philosophy, and medical journal articles with a few cases mixed in. Students will be expected to participate and attend every session of the course. No prior background is necessary (certainly not a science background), but much of the reading will be philosophical in nature so students should be prepared for that (and to do some provided background reading in moral and political philosophy if they have not had exposure to these subjects before). Students should expect 60-100 pages of reading per week of the course.

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# Harvard Law School Course Catalog

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## Research Seminar in Law, Economics, and Organizations

**Course #:** 2157      **Term:** 2020FA      **Faculty:** Kaplow, Louis; Bebchuk, Lucian; Spier, Kathryn      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 12:30 PM - 2:00 PM

**Course Description:** Prerequisite: None  
Exam Type: No Exam  
This seminar is co-taught by Professors Bebchuk, Kaplow, Spier, Spamann and Prof. Oliver Hart, an Andrew E. Furer Professor of Economics in the Economics Department.  
This seminar will involve the presentation by speakers of papers in the fields of law and economics, law and finance, and contract theory. The two-credit seminar will meet for one and a half hours for two-thirds of the weeks in each of the two terms. Lunch will be served. A student may take the seminar for only one term, for one credit (2 credit fall/spring terms, 1 credit fall term, or 1 credit spring term).  
The seminar is given jointly with the FAS Economics Department, and should be taken only by students with substantial prior interest in and exposure to economic analysis. (If you have questions about this, please contact Professor Kaplow.) Students may satisfy the course requirement either by submitting, before sessions, short written comments on the paper to be presented or by writing a short seminar paper on an approved topic.

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## Research Seminar in Law, Economics, and Organizations

**Course #:** 2157      **Term:** 2021SP      **Faculty:** Kaplow, Louis; Bebchuk, Lucian; Spier, Kathryn      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 12:30 PM - 2:00 PM

**Course Description:** Prerequisite: None  
Exam Type: No Exam  
This seminar is co-taught by Professors Bebchuk, Kaplow, Spier, Spamann and Prof. Oliver Hart, an Andrew E. Furer Professor of Economics in the Economics Department.  
This seminar will involve the presentation by speakers of papers in the fields of law and economics, law and finance, and contract theory. The two-credit seminar will meet for one and a half hours for two-thirds of the weeks in each of the two terms. Lunch will be served. A student may take the seminar for only one term, for one credit (2 credit fall/spring terms, 1 credit fall term, or 1 credit spring term).  
The seminar is given jointly with the FAS Economics Department, and should be taken only by students with substantial prior interest in and exposure to economic analysis. (If you have questions about this, please contact Professor Kaplow.) Students may satisfy the course requirement either by submitting, before sessions, short written comments on the paper to be presented or by writing a short seminar paper on an approved topic.

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# Harvard Law School Course Catalog

2020-2021 Academic Year  
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## Research Seminar in Law, Economics, and Organizations

**Course #:** 2157      **Term:** 2020FS      **Faculty:** Kaplow, Louis; Bebchuk, Lucian; Spier, Kathryn      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 12:30 PM - 2:00 PM

**Course Description:** Prerequisite: None  
Exam Type: No Exam  
This seminar is co-taught by Professors Bebchuk, Kaplow, Spier, Spamann and Prof. Oliver Hart, an Andrew E. Furer Professor of Economics in the Economics Department.  
This seminar will involve the presentation by speakers of papers in the fields of law and economics, law and finance, and contract theory. The two-credit seminar will meet for one and a half hours for two-thirds of the weeks in each of the two terms. Lunch will be served. A student may take the seminar for only one term, for one credit (2 credit fall/spring terms, 1 credit fall term, or 1 credit spring term).  
The seminar is given jointly with the FAS Economics Department, and should be taken only by students with substantial prior interest in and exposure to economic analysis. (If you have questions about this, please contact Professor Kaplow.) Students may satisfy the course requirement either by submitting, before sessions, short written comments on the paper to be presented or by writing a short seminar paper on an approved topic.  
Credits: The credit breakdown for this seminar is as follows: two total credits with one credit awarded in the fall and one credit awarded in the spring.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Resilience and Leadership in the Law

**Course #:** 3024

**Term:** 2021SP

**Faculty:** Westfahl, Scott

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Legal Profession, Legal Ethics & Professional Responsibility

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

The legal profession faces many challenges. New businesses are working on disrupting the legal profession, primarily through technology and legal systems designed to lower legal costs through efficiency and/or to improve legal outcomes through more deliberate and careful process engineering, the practice itself is becoming more global, complex and specialized, forcing lawyers to collaborate and work in teams, and lawyers struggle to balance client vs. non-client demands and the 24/7 always on pace of the profession.

Leaders in law must be able to effectively manage through this change and complexity, balance tradition and stability, which continue to have important value for lawyers and clients, and quickly adapt their thinking, behaviors and strategies accordingly. In order to do this effectively, leaders need new tools, and one such tool is resilience. Resilience frameworks allow leaders to adapt to and grow from perceived and actual setbacks and challenges (and then model this behavior for others), create strong networks to allow for teaming and collaboration, proactively monitor emerging issues organizationally and across the profession generally and innovate.

This reading group will explore:

How the research relating to resilience is being applied and/or could be applied by legal organizations, public and private, at the leader, team and organizational level

The specific ways in which resilience enhances lawyers' performance, well-being and capacity to lead

The ways in which other leading organizations, like Google and the U.S. Army, are using resilience frameworks and tools to enhance leader and team performance and adaptability

The specific work attributes that enhance or erode resilience along with the steps leaders can take to influence these attributes in the legal profession

We will also use case studies that illustrate how resilience principles are being applied in various industries and participants will have an opportunity to practice and discuss a wide-range of resilience-building skills.

Note: This reading group will meet on the following dates: February 1, February 22, March 8, March 29, April 12, and April 1.

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# Harvard Law School Course Catalog

2020-2021 Academic Year

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## Restorative and Transformative Justice

**Course #:** 2654      **Term:** 2021SP      **Faculty:** Lanni, Adriaan      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Criminal Law and Procedure; Disciplinary Perspectives & Law; Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: None  
Exam Type: No Exam  
This seminar will discuss the theory behind restorative justice and examine current experiments in the practice of restorative justice, with a visit or two from restorative justice practitioners.

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## Roman Law

**Course #:** 2473      **Term:** 2020FA      **Faculty:** Donahue, Charles      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Legal History

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 2:30 PM

Tue 1:00 PM - 2:30 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD international/comparative requirement.  
Prerequisites: None

Exam Type: No Exam

An introduction to Roman law that combines a survey approach with one that focuses in some depth on topics in Roman private law that raise important substantive, comparative, and methodological issues. The emphasis throughout the course is on the relationship between the Roman legal system and the social, economic, and political aspects of Roman life. The course is organized in four large blocks. The first surveys the history of Roman legal institutions, sources of law and procedure from the Twelve Tables (451-450 BC) to Justinian (527-565 AD). The second surveys Roman private law (the law of persons, property, succession, contracts, and delicts) in the classical period (roughly, 100 BC to 240 AD). The third explores law and society in the archaic period (roughly, 500 BC to 250 BC). The fourth explores selected topics in the classical period that illustrate the work of the Roman jurists and their method. All materials will be in English translation. A short paper during the semester will be required and a short take-home' paper during the reading and exam periods.

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# Harvard Law School Course Catalog

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## Securities Regulation

**Course #:** 2224      **Term:** 2020FA      **Faculty:** Ferrell, Allen      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 10:00 AM - 11:30 AM

Fri 10:00 AM - 11:30 AM

**Course Description:** Prerequisites: Most students find it helpful to have completed or to take concurrently a course in Corporations before taking Securities Regulation.

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course offers an introduction to the two most important federal securities laws: the Securities Act of 1933 and the Securities Exchange Act of 1934. The course explores the elaborate disclosure obligations these statutes impose on the distribution and trading of investment securities. Topics to be covered include the preparation of disclosure documents, exemptions from disclosure requirements, the relationship between disclosure obligations and anti-fraud rules, the duties of participants in securities transactions, and the applicability of federal securities laws to transnational transactions. The course will also explore the public and private enforcement of securities laws in the United States.

Textbook(s):Securities Regulation: Cases and Materials, Ninth Edition -- James D. Cox, Robert W. Hillman, Donald C. Langevoort, Ann M. Lipton, William K. Sjostrom. ISBN 9781543810646Securities Regulation: Selected Statutes, Rules, and Forms, 2020 Supplement --James D. Cox, Robert W. Hillman, Donald C. Langevoort, Ann M. Lipton, William K. Sjostrom. ISBN: 9781543820331

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## Securities Regulation

**Course #:** 2224

**Term:** 2021SP

**Faculty:** Jackson, Howell

**Credits:** 3.00

**Type:** Elective

**Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 1:15 PM - 2:45 PM

Thu 1:15 PM - 2:45 PM

**Course Description:** Prerequisite: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course is designed to offer an overview of the work of the Securities and Exchange Commission, the structure of U.S. capital markets, and key policy challenges facing the Commission today. The course will begin with an introduction to the regulation of securities offerings under the Securities Act of 1933 and to disclosure and other requirements imposed on public companies under the Securities Exchange Act. We will then turn to SEC supervision of securities firms and oversight of capital markets. Attention will also be given to the Commissions enforcement practices and current debates regarding the efficacy and legality of those practices. As time permits, we will touch upon issues of cross-border coordination in the public oversight of both capital raising and enforcement activities.

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## Seeing Criminal (In)Justice: Examining the Interplay of Visual Media, Storytelling and Criminal Law

**Course #:** 2984      **Term:** 2020FA      **Faculty:** Cohen, Rebecca Richman      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Criminal Law and Procedure; Disciplinary Perspectives & Law; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 8:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

As America reckons with the profound injustices of mass incarceration, this course looks at the narratives that drive our perceptions of criminal law. Together, we will explore different approaches to understanding how visual storytelling, particularly in the form of documentary film, can shift the way we understand criminal legal narratives. Police body cameras, videotaped confessions, mitigation and victim impact videos, primetime television, citizen journalism, and documentary films often produce narratives that compete with each other, and with our own entrenched beliefs. These forms of visual media command a unique ability to evoke empathy and to make persuasive claims about truth. But such capability can also distort and mislead. It can present its truths as objective, obscuring critical questions about identity, perspective, and power. Grounded in this understanding, we will embark on a project of "media literacy," exploring questions around audience, authorship, truth, and (in)justice.

Additional time reserved for viewing films.

Textbook(s):  
REQUIRED  
Janet Malcolm, The Journalist and the Murderer (1990)

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## Select Topics in Environmental and Natural Resources Law

**Course #:** 3068

**Term:** 2021SP

**Faculty:** Salzman, James

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Environmental Law

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Mon 8:00 PM - 10:00 PM

**Course Description:**

Prerequisites: None

Exam Type: No Exam

In 2015, the largest government conference ever held met in Paris. Its subject was not war, sports, or finance. It addressed the environment - a topic that has become an increasing focus of international attention and concern. The reading group will consider the pressing environmental and natural resource issues of our time - from climate change to oceans, from wildlife to water. We will discuss how these problems are shaped science, money, and politics in both the United States and other countries as well as the role law plays (and could play) in crafting solutions to these most critical challenges.

Note: This reading group will meet on the following dates: February 1, February 22, March 8, March 22, April 5, April 19.

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## Semester in Human Rights

**Course #:** 8042      **Term:** 2020FA      **Faculty:** Giannini, Tyler      **Credits:** 6.00

**Type:** Clinic      **Subject Areas:** International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Class Component: Strategic Leadership & Advanced Human Rights Advocacy (2 fall classroom credits). Once a student is accepted into this clinic, the Office of Clinical and Pro Bono Programs will enroll them in the required course.  
Additional Co-/Pre-Requisites: 3Ls only; prior semester of the International Human Rights Clinic.  
By Permission: Yes. Applications are due April 6, 2020.  
Add/Drop Deadline: June 1, 2020.  
LLM Students: Due to the pre-requisite, LLM students are not eligible to apply.  
Placement Site: HLS.  
This will be a full-time clinic option for up to 2 students in the International Human Rights Clinic (IHRC) in Fall 2020. Students will enroll in 10 credits total with the Clinic for the semester (see breakdown below), with requirements as follows:

By application (Deadline: April 6, 2020).  
Limited to 3Ls who have previously spent at least one semester in the IHRC.  
Students will take the fall course, Strategic Leadership & Advanced Human Rights Advocacy (2 fall classroom credits).  
Students will work full-time in the Clinic on one or more projects (6 clinical credits).  
Students will take independent writing credits under the supervision of an IHRC clinician, with a focus on a topic of relevance to either the clinical work or the seminar (2 writing credits).  
Full-time clinic students will also be given additional responsibilities, serving as student team leaders who assist in making strategic decisions and support the work of other students on a project or projects.

In addition to the 10 credits enrolled through the Semester in Human Rights, students may also enroll in additional seminar or course (of 2 or 3 credits) related to their area of focus. In their applications (see below for details), students should identify any such seminar or course and explain how it is relevant to their focus for the semester.

Additional Logistics:

Students who are accepted into the Semester in Human Rights will also register for 2 writing credits. To register for writing credits, students should fill out the JD Option 1 Written Work form and submit to Maggie Bay in Office of Clinical and Pro Bono Programs (mbay@law.harvard.edu).

Applications for the Semester in Human Rights, with a current CV and a statement of interest, should be addressed to Tyler Giannini, and sent to Marie Sintim (msintim@law.harvard.edu). Please address the following questions in your statement of interest:

How will the intensive focus of a full-time semester in human rights benefit you personally?

How will the full-time semester build on your prior experience in and commitment to human rights, whether in a clinic, summer placement, pre-law school employment, etc.? How and why are you prepared for this option?

What are your post-graduate career plans, and how will the full-time semester better prepare you for your intended career path?

What project(s) do you propose to work on, and why is the full-time option necessary for the project(s)? If you do not have a particular project in mind, what issues and skills do you propose to focus on and why?

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What will be the added value of enrolling full time?  
How will the different components (advanced class, clinical projects, independent writing) complement each other and form a coherent and intensive term?

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## Shareholder Activism

**Course #:** 2246      **Term:** 2021SP      **Faculty:** Barzuza, Michal      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: Corporations  
Exam Type: No Exam  
The seminar will discuss the various emerging forms of shareholder activism, including activist hedge funds, index funds stewardship, and shareholder proposals. We will cover academic and practical materials, as well as recent developments and pending policy proposals.  
Students will submit weekly comments on assigned readings.

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## Space Law and Policy

**Course #:** 3038      **Term:** 2020FA      **Faculty:** Haddaji, Alissa      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
The goal of this course is to introduce students to the practice of space law and policy in the United States and at an international level. We will start with an exploration of the basics of both fields, including their key founding texts and managing structures. We will then examine in greater detail the roles of international, national and entrepreneurial levels of space law and policy governance. We will address the on-going debates currently challenging the space sector, among which space debris, satellite constellations, the US Space Force, planetary defense and space resource utilization.

Note: This reading group will meet on the following dates: 9/08, 9/22, 10/06, 10/27, 11/10, and 11/24.

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## Special Education Advocacy for Students Impacted by Trauma

**Course #:** 2993      **Term:** 2020FA      **Faculty:** Gregory, Michael      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Thu 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Clinic Component: Education Law Clinic: Individual Representation (3-5 fall clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 3, 2020.  
LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.  
Students must attend a mandatory orientation session on Friday, September 11, 2020 from 1:00-4:00 PM.  
The Education Law Clinic: Individual Representation engages students in individual client representation in special education as well as systemic change advocacy to advance the school success of children who have endured highly adverse childhood experiences. Students use the legal tools contained in the federal Individuals with Disabilities Education Act (IDEA) and related laws (including the McKinney-Vento Homeless Assistance Act, Section 504 of the Rehabilitation Act of 1972, federal Medicaid laws, and federal and state statutes regarding confidentiality, among others) to advocate for individual remedies that will enable their clients children to succeed in school. Students will utilize research from psychology, neurobiology, and education about the effects of trauma on learning to inform their representation. Depending on the posture of the cases in the clinic, students will represent clients either at the first administrative hearing level -- the IEP team meeting -- or at the administrative appeal level -- the Bureau of Special Education Appeals. Past students have made enormous differences in the lives of children by obtaining an appropriate education, and in many cases reversing school exclusions, for individual children at school.  
Though the major focus of students clinic work will be direct client representation, students will also engage in systemic advocacy that furthers the Clinic’s broader mission. In recent semesters, this has included conducting legal trainings for expert evaluators and community-based mental health providers so they can assist their families to navigate the special education system at school and assert their legal rights.  
The Education Law Clinic is part of the Trauma and Learning Policy Initiative (TLPI), a collaboration between HLS and Massachusetts Advocates for Children, the mission of which is to ensure that all children, including those traumatized by exposure to violence and other adverse childhood experiences, succeed in school. The clinics direct legal representation of individual families is a key strategy in TLPIs ongoing multi-strategic advocacy campaign to create safe and supportive school environments where all students can learn and thrive.

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## Sports and the Law: Examining the Legal History and Evolution of America's Three "Major League" Sports: MLB, NFL and NBA

**Course #:** 2229      **Term:** 2020FA      **Faculty:** Carfagna, Peter      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

Class participation and successful completion of weekly assignments will count for a significant portion of the students final grade.

This introductory Sports Law course will offer an overview of the three major sports that dominate the American sports scene today: Major League Baseball, the National Football League, and the National Basketball Association.

The course will devote approximately equal time to each of these three major sports and compare/contrast the similarities and differences among them, from a historical legal perspective. Other professional sports, including hockey and soccer, will also be discussed via updated links to the most relevant Sports Law news, which links will be provided prior to each class.

Specifically, it will evaluate the legal evolution of America's "three major leagues" and examine how the Supreme Court's, other courts', and arbitrators' landmark decisions have affected the path of each league's progress.

Additionally, this course will address contemporary Sports Law topics, including COVID-19's impact upon the three major leagues, the recently executed 2020 NFL Collective Bargaining Agreement, and the world of esports (professional video gaming).

"Reflection Papers" will be assigned on a periodic basis (2-3 Papers in total), on the then most-relevant Sports Law topics, in preparation for the Final Exam. "Discussion Posts" will also be included on 2-3 topics of the then-greatest relevance to the course.

Guest Speakers with unique Sports Law expertise will be invited to help guide class discussions on selected topics throughout the course.

Enrollment is available to second year, third year and LLM students. For JD students who take this course, independent writing projects can be pursued on any topic in the course for an additional one, or possibly two, credits.

Students taking this course and who are interested in sports law clinical placements during winter or spring are strongly encouraged to enroll in the 2-credit fall "Sports and the Law: Advanced Contract Drafting." This seminar will provide students the opportunity to negotiate and draft agreements that a lawyer advising a sports team would encounter. Students in the seminar will learn about the various components of complex deal documents and have the opportunity to then draft these documents. Students in the seminar will also explore and experiment with negotiating strategies. Overall, the goal of the seminar is to have students master skills related to negotiating, drafting, and analyzing the various "moving parts" of complicated agreements regarding stadium leasing; naming rights; sponsorship; media rights; food and beverage; provision of medical; hospital and financial services; state-operated entities; and purchase and sale of sports teams.

This course fulfills the pre-requisite for the Sports Law Clinic. Please see the clinics description or review the Sports Law Clinic Guide for more information.

Note: 8 classes / first 9 weeks.

Students who are interested in the winter or spring 2021 Sports Law Clinic are strongly encouraged to

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enroll in both of Prof. Carfagnas fall courses: "Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA" and "Sports Law: Advanced Contract Drafting."

Textbook(s):

(Required) Peter A. Carfagna, &nbsp;Sports and the Law: Examining the Legal Evolution of America's Three "Major League" Sports &nbsp;3d Ed. &nbsp;(West 2017). ISBN: 978-1-68328-821-3

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## Sports and the Law: Representing the Professional Athlete

**Course #:** 2230      **Term:** 2021WI      **Faculty:** Carfagna, Peter      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Employment and Labor Law; Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 4:00 PM

Tue 1:00 PM - 4:00 PM

Wed 1:00 PM - 4:00 PM

Thu 1:00 PM - 4:00 PM

Fri 1:00 PM - 4:00 PM

**Course Description:** Prerequisite: None

Exam Type: Last Class Take-Home  
Class participation and successful completion of weekly assignments will count for a significant portion of the students final grade.

This course will begin with an overview of the sports marketing industry and then proceed to discuss some of the more important legal doctrines relating to that industry, involving intellectual property law, labor law and contract law. In that context, the course will explore the skills necessary to conduct a series of "hypothetical" sports-related contract negotiations. The students will then participate in group-based contract-drafting exercises with an emphasis on client representation. Contracts to be drafted include a "product endorsement agreement," and a "name, image and likeness" lithograph poster agreement. Simulated depositions and "oral arguments" will also be conducted. Next, in the context of a mock litigation, students will assume a "contract breach" of the agreements they have drafted. In turn, they will draft document requests, deposition questions and legal briefs in support of the contractual positions taken during the contract drafting exercises.

Enrollment is available to second year, third year, and LLM students.

Note: This course will meet for the first two weeks of the term.

This course fulfills the pre-requisite for the Sports Law Clinic. Please see the clinics description or review the Sports Law Clinic Guide for more information.

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## Sports Law Clinic

**Course #:** 8028

**Term:** 2021WI

**Faculty:** Carfagna, Peter

**Credits:** 2.00

**Type:** Clinic

**Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will not fulfill the HLS JD pro bono requirement.  
Required Class Component: This clinic requires that students have taken at least one of the courses listed below. Additional Co-/Pre-Requisites: The following courses do not have any seats reserved for clinical students: Sports Law: Advanced Contract Drafting (fall 2020); Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA (fall 2020); Sports and the Law: Representing the Professional Athlete (winter 2021). By Permission: Yes. The deadline to apply is October 8, 2020. Please see below for additional instructions. Add/Drop Deadline: November 13, 2020.LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.Placement Site: Various externship placements.  
Clinical students work full-time over the winter term on-site at their placement organization. Sports Law clinical placements are in a variety of settings, including legal departments of major leagues or sports franchises, and with law firms and lawyers doing sports law in representing individual players, teams, or leagues. Students clinical work in the field can may include contract and transactional work, arbitration, litigation, research, and writing.  
Peter Carfagna, instructor of sports law courses at HLS, oversees clinical placements and students clinical work. Admission in the clinic is by application. Applications are due by 5pm on October 8, 2020. To apply, please review the Sports Law Clinic Guide before submitting a statement of interest (including which semester you are applying for) and a resume to [clinical@law.harvard.edu](mailto:clinical@law.harvard.edu) and to Professor Carfagna ([pcarfagna@law.harvard.edu](mailto:pcarfagna@law.harvard.edu)). Please note that your application materials may be sent to placement organizations during the selection process.  
Students who are interested in the winter or spring 2019 Sports Law Clinic are strongly encouraged to enroll in both of Prof. Carfagnas fall courses: "Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA" and "Sports Law: Advanced Contract Drafting."

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## Sports Law Clinic

**Course #:** 8028

**Term:** 2021SP

**Faculty:** Carfagna, Peter

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will not fulfill the HLS JD pro bono requirement. Required Class Component: This clinic requires that students have taken at least one of the courses listed below.

Additional Co-/Pre-Requisites: The following courses do not have any seats reserved for clinical students: Sports Law: Advanced Contract Drafting (fall 2020); Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA (fall 2020); Sports and the Law: Representing the Professional Athlete (winter 2021).

By Permission: Yes. The deadline to apply is October 8, 2020. Please see below for additional instructions.

Add/Drop Deadline: December 4, 2020.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Placement Site: Various externship placements.

Sports Law clinical placements are in a variety of settings, including legal departments of major leagues or sports franchises, and with law firms and lawyers doing sports law in representing individual players, teams, or leagues. Students clinical work in the field can may include contract and transactional work, arbitration, litigation, research, and writing.

Peter Carfagna, instructor of sports law courses at HLS, oversees clinical placements and students clinical work. Admission in the clinic is by application. Applications are due by 5pm on October 8, 2020. To apply, please review the Sports Law Clinic Guide before submitting a statement of interest (including which semester you are applying for) and a resume to [clinical@law.harvard.edu](mailto:clinical@law.harvard.edu) and to Professor Carfagna ([pcarfagna@law.harvard.edu](mailto:pcarfagna@law.harvard.edu)). Please note that your application materials may be sent to placement organizations during the selection process. This is an externship clinic. Students must have at least one full business day available in their schedule to work on-site at their placement organization. Any remaining clinical hours should be worked in blocks of at least 5 hours. Most placement organizations are open Monday-Friday from 9am-5pm.

Students who are interested in the winter or spring 2019 Sports Law Clinic are strongly encouraged to enroll in both of Prof. Carfagnas fall courses: "Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA" and "Sports Law: Advanced Contract Drafting."



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## Sports Law: Advanced Contract Drafting

**Course #:** 2349

**Term:** 2020FA

**Faculty:** Carfagna, Peter

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Course

**Days and Times:**

**Location**

Wed 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course will provide students the opportunity to negotiate and draft agreements that a lawyer advising a sports team would encounter. Students in the course will learn about the various components of complex deal documents and have the opportunity to then draft these documents. Students in the course will also explore and experiment with negotiating strategies. Overall, the goal of the course is to have students master skills related to negotiating, drafting, and analyzing the various "moving parts" of complicated agreements regarding stadium leasing; naming rights; sponsorship; media rights; food and beverage; provision of medical; hospital and financial services; state-operated entities; and purchase and sale of sports teams.

Additional Written Work Option: Any student can earn up to two (2) additional Independent Writing credits by completing any of the Agreement-related assignments listed in the course syllabus. In other words, as to the Lease Agreement and the Other Agreements listed in the syllabus, we will only be able to draft selected clauses from each of the Agreements. If any student chooses to draft additional clauses and/or any of those syllabus-listed Agreements in their entirety, Professor Carfagna would be happy to supervise such a project for an extra credit or 2 credits, depending upon the length of the project.

Students taking this course and who are interested in sports law clinical placements during winter or spring are strongly encouraged to enroll in the fall "Sports and the Law: Examining the Legal History and Evolution of Americas Three "Major League" Sports: MLB, NFL and NBA."

Note: The last class session will be held on TBD.

This course fulfills the pre-requisite for the Sports Law Clinic. Please see the clinics description or review the Sports Law Clinic Guide for more information.

Textbook(s):

(Required)&nbsp;Peter A. Carfagna, Negotiating and Drafting Sports Venue Agreements 2d Ed.&nbsp;(West 2016). ISBN: 978-1-63460-348-5

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## State Constitutional Law

**Course #:** 2507      **Term:** 2021WI      **Faculty:** Bowie, Nikolas; Sutton, Jeffrey      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:00 AM - 12:30 PM  
Tue 10:00 AM - 12:30 PM  
Wed 10:00 AM - 12:30 PM  
Thu 10:00 AM - 12:30 PM  
Fri 10:00 AM - 12:30 PM

**Course Description:** Prerequisite: None

Exam Type: No Exam  
Each student will be responsible for one in-class presentation and two 6-8 page papers.

This survey course explores the nature and significance of state constitutional law, a topic that has long lived in the shadow of federal constitutional law but that has become increasingly relevant in recent years. The course covers rights and structure, and in both settings it compares the federal model to the various state models. Of particular emphasis is the role of the state courts in protecting liberty and property rights under their own constitutions, and most notably whether they should construe these guarantees to offer protections that the federal courts have not provided in construing the federal constitution. Examples include litigation involving school funding, marriage, property takings, criminal procedure, the free exercise of religion, among others. We also will consider the amendment procedures of the state constitutions, the election of state court judges, the non-unitary executive under most state constitutions and other structural issues.

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## State Energy Law

**Course #:** 2974      **Term:** 2021SP      **Faculty:** Peskoe, Ari      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Environmental Law; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: None

Exam Type: No Exam The course will require one short paper (3-4 pages) and one research paper about a topic of the students choosing.

States play a leading role in forging our nations energy policy.   State regulatory authority over the energy industry is pervasive, from resource extraction to utility ratemaking. This course offers an overview of core state functions, the legal questions they present, and the current policy debates and legal battles over the future of our energy sector. Topics will include: regulation of electric utilities, infrastructure siting, renewable energy development models, oil and gas production, transportation, constitutional limits of state authority, and regional and multi-state partnerships.

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## Strategic Leadership & Advanced Human Rights Advocacy

**Course #:** 2399      **Term:** 2020FA      **Faculty:** Giannini, Tyler      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Human Rights; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Either the fall International Human Rights Clinic - 3L Leadership Training or the fall Semester in Human Rights Clinic. Students who are accepted into either of these clinics will be enrolled in this required course by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None  
By Permission: Yes. Applications to the clinic are due by April 6, 2020.  
Add/Drop Deadline: June 1, 2020.  
LLM Students: Due to the pre-requisite, LLM students are not eligible to apply.  
Placement Site: HLS.  
The seminar offers advanced training in strategic human rights advocacy and leadership that builds on themes and skills from the introductory seminars of the International Human Rights Clinic. Students will explore a variety of strategic considerations that are critical to protecting and promoting human rights, including how to conceptualize and advance human rights agendas that target entrenched, structural challenges; how to mobilize constituencies and collaborate with affected communities to better address power imbalances and ensure sustainable change; and how to develop strategic communication and narratives to maximize impact. Strategic decisions are often integrally tied to ethical questions, and the seminar also examines professional ethics and responsibilities through scenarios based on human rights practitioners’s own experiences.  
The students will also consider and cultivate the leadership skills necessary for a career in human rights. As part of this leadership development, students are expected to take ownership over their learning in the seminar and to practice their style of leadership within our human rights community. We will discuss various aspects of leadership, including concepts such as thought leadership and how identity, including issues of intersectionality, interact with leadership. Students will be encouraged to experiment with different leadership models and to explore the challenges that arise when taking on leadership. Students will work to determine their learning priorities and will develop a tailored individual or team project through which they can examine, in depth, an area of interest that cultivates their leadership skills. Recent student projects have focused on enhancing human rights in the United States, improving op-ed writing and storytelling, dealing with trauma and creating more sustainable lawyering practices, advancing disability rights, developing strategic and tactical mapping for human rights campaigns, exploring ethical dilemmas arising in fact-finding and interviewing, and bringing community-based participatory action and research to the human rights context.

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## Strategic Litigation and Immigration Advocacy

**Course #:** 3018

**Term:** 2021SP

**Faculty:** Ardalan, Sabrineh; Torrey, Philip

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Thu 9:30 AM - 11:30 AM

### Course Description:

Note This offering will not count towards the JD experiential learning requirement.

There is perhaps no other area of law that has been more profoundly altered in the last few years than immigration. The field has seen dramatic shifts in enforcement priorities, executive action, state and local responses, and courts willingness to weigh-in on issues that they had previously refuse to opine on. The goal of this course is to teach students how to develop and reflect on creative litigation and policy advocacy strategies in a range of different contexts.

The course will leverage the experience and expertise of Harvard Immigration and Refugee Clinical Program ("HIRC") attorneys along with their community partners to explore the multitude of ways immigration policies can be challenged and reshaped. Case studies will include the Muslim Ban, efforts to end Temporary Protected Status, new rules restricting asylum protection, state and local "sanctuary" policies, community organizing and empowerment, and media as an advocacy tool.

The course will explore challenges to precedent through appellate litigation, strategic litigation in district court and administrative tribunals, policy-making at the state and local levels, and different approaches to influencing policy makers and the public. Many of these strategies build upon HIRC's long-standing commitment to changing the law from the bottom up.

In addition to class discussion, simulations, and other interactive classroom modules, the course will feature guest lectures from community partners and advocates with whom HIRC has worked on various litigation and policy advocacy projects.

Please Note: This spring course serves as the clinical seminar requirement for the spring 2021 Harvard Immigration and Refugee Clinic. All students participating in the spring clinic are required to enroll in this course. If you are enrolled in the clinic, the Office of Clinical and Pro Bono Programs will take care of your enrollment in this course. If you choose to drop the spring clinic, you will also lose your seat in this required course. Students who are enrolled in this course through the clinic have an early drop deadline of December 4, 2020.

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## Supreme Court and Appellate Advocacy Workshop

**Course #:** 3014      **Term:** 2020FA      **Faculty:** Prelogar, Elizabeth; Dreeben, Michael      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisites: By Permission. Interested students should send a resume and a brief statement describing their interest in the course and in appellate advocacy to Jane Reader (jreader@law.harvard.edu) by April 30, 2020.  
Exam Type: No Exam  
Grading will be based on class participation and guided writing exercises.  
This course will focus on the art and practice of Supreme Court and appellate advocacy through a classroom-workshop approach. The course will offer a comprehensive overview of appellate advocacy covering matters such as how to define the issues for appeal; the process of seeking discretionary review in an appellate court; how to draft persuasive briefs; and how to prepare for and deliver an effective oral argument. It will also introduce students to pathways to a career as an appellate advocate. The class will focus on the federal appellate system, with a particular emphasis on the Supreme Court, but the skills covered in the course can be applied in any appellate court. The writing and advocacy exercises will draw from actual cases involving cutting-edge legal issues—such as cases involving the First Amendment, the separation of powers, criminal procedure, or complex jurisdictional questions. This will allow class members to grapple with inherently interesting substantive questions on an array of topics as they develop their advocacy skills.

The centerpiece of the class experience will be interactive writing and oral advocacy exercises. The course will employ a writer’s workshop approach that builds advocacy skills through the sharing of work product and crowd-sourcing of feedback. Each class session will target a discrete aspect of appellate practice, broken down into its essential components. To make the learning experience concrete, we will provide an overview of the topic for the day (for example, the purpose of the questions presented section of a brief and the options for crafting those questions), and students will participate in guided writing or oral advocacy exercises designed to hone particular skills. Students will also participate in moot courts as both advocates and judges. The course is designed for students who are interested in developing their talents in appellate advocacy through participatory exercises in a collaborative, supportive environment.

In addition to focusing on written and oral appellate advocacy, the course will also offer guidance on other aspects of litigating an appeal, such as learning the rules of appellate procedure, working with the Solicitor General’s Office, and working with potential amici. Some sessions may feature guest speakers with expertise in appellate advocacy who can offer insight drawn from experience. Appellate advocacy is an art form that can only be perfected through practice and observation of master practitioners. This course will offer students a window into how virtuoso appellate lawyers learned their vocation and how they carry it out.

Textbook(s):  
Making Your Case: The Art of Persuading Judges  
Antonin Scalia, Bryan A. Garner  
ISBN: 9780314184719  
Published: April 2008  
Publisher: Thomson West

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## Supreme Court Decision Making

**Course #:** 2505      **Term:** 2020FA      **Faculty:** Singer, Joseph      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisites: None  
Exam Type: No Exam  
How do supreme courts decide hard cases? How do they justify the results they reach by persuasive opinions? How do judges on multimember courts attempt to persuade other judges and to reach agreement when cases are hard? How can you write an opinion that not only justifies the result with acceptable reasons but attempts to persuade judges on the other side and to speak to the losing party to explain why they lost? This seminar will enable you to act as a supreme court justice, sit in conference, discuss cases, and write opinions (majority, concurring, and dissenting). Some of the cases will be current cases before the U.S. Supreme Court. Others may have you sitting as a state supreme court deciding an issue of statutory interpretation or common law. We will discuss each case and one student will be assigned to write a proposed majority opinion for that case. After circulating that opinion, other students can write concurring and dissenting opinions and we will discuss the case a second time, using those written opinions as the basis for discussion. The goal is to practice persuasion, oral and written justification, and the art of collective judicial decision making.

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## Supreme Court Litigation

**Course #:** 2233

**Term:** 2021WI

**Faculty:** Goldstein, Thomas; Russell, Kevin;  
Harrington, Sarah

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Constitutional Law & Civil Rights; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Required Clinic Component: Supreme Court Litigation Clinic (2 winter clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: None.

By Permission: Yes. Applications are due October 1, 2020.

Add/Drop Deadline: November 13, 2020.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Placement Site: Washington D.C. This course is co-taught by Tom Goldstein, Kevin Russell, Sarah Harrington, and Eric Citron.

This winter-term class is taken concurrently with the Supreme Court Litigation Clinic. Students are immersed in the practice of law before the United States Supreme Court. Both the class and clinic will take place in Washington, D.C.

The clinic and course consist of three major components:

(1) Intensive work on cases before the Court. Students will be assigned to small teams, each working closely with an instructor to write and file a petition for a writ of certiorari, brief in opposition to certiorari, merits brief, amicus brief and/or to prepare for oral argument in a pending case.

(2) Seminars. The instructors will facilitate classroom discussions about Supreme Court practice - including strategy, procedure, brief writing, and oral advocacy.

(3) Events. Students will attend arguments at the Supreme Court, view a moot court, and meet with leading members of the Supreme Court bar, former Supreme Court clerks, and members of the Supreme Court press corps.

The work is extremely rewarding, giving students an opportunity to work side by side with experienced Supreme Court practitioners litigating before the Court. The work is also quite intensive, precluding students from undertaking any significant non-class-related activities during the winter term. While we do our best to make the schedule manageable, the clinic requires us to complete a large amount of work in a short amount of time, and so students should be prepared to work long hours, including potentially on weekends. Students will be provided transportation to and from Washington, D.C., as well as housing (which will require students to share hotel rooms, likely two students per bedroom). Housing will not be provided for students spouses or significant others. Students generally will be responsible for providing themselves meals and transportation within the city. In recent years, students have stayed at the Hyatt Regency Bethesda, which is located directly above a Metro stop, across the street from the office, and a short walk away from many restaurants and grocery stores.

Enrollment is through an application process. Interested students must submit a resume, a writing sample, and one or more references. The writing sample may consist of one or two writing products, totaling fifteen to twenty pages (the sample(s) should accurately indicate the students current writing ability, and so should not be significantly edited by anyone other than the author). The reference(s) should include the references name and contact information. Application materials should be sent to Maggie Bay (mbay@law.harvard.edu) by October 1, 2020. Enrollment is limited to 10 students.

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## Supreme Court Litigation Clinic

**Course #:** 8030

**Term:** 2021WI

**Faculty:** Goldstein, Thomas; Russell, Kevin;  
Harrington, Sarah

**Credits:** 2.00

**Type:** Clinic

**Subject Areas:** Constitutional Law & Civil Rights; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement. Required Class Component: Supreme Court Litigation (1 winter classroom credit). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: None.

By Permission: Yes. Applications are due October 1, 2020.

Add/Drop Deadline: November 13, 2020.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Placement Site: Washington D.C. This clinic is co-taught by Tom Goldstein, Kevin Russell, Sarah Harrington, and Eric Citron.

This winter-term clinic is taken concurrently with the Supreme Court Litigation clinical course. Students are immersed in the practice of law before the United States Supreme Court. Both the class and clinic will take place in Washington, D.C.

The clinic and course consist of three major components:

(1) Intensive work on cases before the Court. Students will be assigned to small teams, each working closely with an instructor to write and file a petition for a writ of certiorari, brief in opposition to certiorari, merits brief, amicus brief and/or to prepare for oral argument in a pending case.

(2) Seminars. The instructors will facilitate classroom discussions about Supreme Court practice - including strategy, procedure, brief writing, and oral advocacy.

(3) Events. Students will attend arguments at the Supreme Court, view a moot court, and meet with leading members of the Supreme Court bar, former Supreme Court clerks, and members of the Supreme Court press corps.

The work is extremely rewarding, giving students an opportunity to work side by side with experienced Supreme Court practitioners litigating before the Court. The work is also quite intensive, precluding students from undertaking any significant non-class-related activities during the winter term. While we do our best to make the schedule manageable, the clinic requires us to complete a large amount of work in a short amount of time, and so students should be prepared to work long hours, including potentially on weekends. Students will be provided transportation to and from Washington, D.C., as well as housing (which will require students to share hotel rooms, likely two students per bedroom). Housing will not be provided for students spouses or significant others. Students generally will be responsible for providing themselves meals and transportation within the city. In recent years, students have stayed at the Hyatt Regency Bethesda, which is located directly above a Metro stop, across the street from the office, and a short walk away from many restaurants and grocery stores.

Enrollment is through an application process. Interested students must submit a resume, a writing sample, and one or more references. The writing sample may consist of one or two writing products, totaling fifteen to twenty pages (the sample(s) should accurately indicate the students current writing ability, and so should not be significantly edited by anyone other than the author). The reference(s) should include the references name and contact information. Application materials should be sent to Maggie Bay (mbay@law.harvard.edu) by October 1, 2020. Enrollment is limited to 10 students.

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## Systemic Advocacy for Safe and Supportive Schools

**Course #:** 2774      **Term:** 2021SP      **Faculty:** Gregory, Michael; Cole, Susan      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Education Law Clinic: Legislative and Administrative Lawyering (3-5 spring clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: November 27, 2020.  
LLM Students: LLM students interested in this clinic should be in contact with the clinic directly.  
Please note this course has a unique schedule. There will be two meetings of the course in each of the first two weeks of the semester in order to front load content so students are prepared to engage in advocacy. To compensate, there will be two weeks in the middle of the semester where there is no class meeting (March 4 and March 11). The course will meet on the following dates and times (\* = irregular course meeting time) :  
Tue, Jan 25, 8 - 10am\*  
Thu, Jan 28, 5 - 7 pm  
Tue, Feb 1, 8 - 10 am\*  
Thu, Feb 4, 5 - 7 pm  
Thu, Feb 11, 5 - 7 pm  
Thu, Feb 18, 5 - 7 pm  
Thu, Feb 25, 5 - 7 pm  
Thu, Mar 25, 5 - 7 pm  
Thu, Apr 1, 5 - 7 pm  
Thu, Apr 8, 5 - 7 pm  
Thu, Apr 15, 5 - 7 pm  
Thu, Apr 22, 5 - 7 pm

Please also note that students are required to schedule a substantial portion of their clinic office hours for the associated clinic (Education Law Clinic: Legislative and Administrative Lawyering) on Tuesdays, Wednesdays and Thursdays because these are the days the Massachusetts legislature is typically in session. Beginning in the third week of the semester, students will be required to attend a one hour weekly team meeting each Tuesday morning from 9:00-10:00 am.

In this seminar students will learn the theory and practice the skills that will enable them to be effective legislative and administrative lawyers in the area of education. Students will learn how to identify and understand systemic problems, assess the educational systems response to vulnerable students, and reflect on the challenges and rewards of interdisciplinary advocacy at the intersection of the fields of law, education, neurobiology, psychology, and public policy. The seminar will cover several general substantive areas related to legislative and administrative lawyering: the constitutional roles and powers of the General Court, the executive branch and administrative agencies in Massachusetts; House and Senate procedure; the state budget process; and the art of lobbying. The readings and activities in this seminar are designed to support and encourage reflection on the legislative lawyering skills that students will develop and practice in their clinical work, including: identifying and researching a problem, proposing solutions and approaches, developing and drafting a desired legislative remedy, learning who the stakeholders are in the education establishment, accurately assessing the political and legal landscape

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surrounding the desired remedy, building a vibrant and effective coalition, engaging in oral presentations and negotiations, and analyzing ethical issues that arise in legislative and administrative advocacy. The seminar will also introduce students to distinguished guest speakers from practice. The goal is for students to learn the unique role lawyers can play as part of a movement to create effective remedies for vulnerable students.

There is no final examination for this course; students will prepare a presentation in which they lead a discussion with their colleagues based on an interesting issue or problem they encountered in their clinic advocacy during the semester. Class participation is part of the grade for this course.

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## Taxation

**Course #:** 2234      **Term:** 2021SP      **Faculty:** Warren, Alvin      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law; Taxation

**Delivery Mode:** Course

Days and Times:	Location
Wed 8:00 AM - 9:25 AM	
Thu 8:00 AM - 9:25 AM	
Fri 8:00 AM - 9:25 AM	

**Course Description:** Prerequisite: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course focuses on the U.S. federal income tax and the policy considerations that inform the design of the tax, which has become an important governmental tool for influencing many aspects of modern American life. The course accordingly examines not only the concept of taxable income, but also how the federal government uses the tax to influence the behavior of taxpayers, whether wealthy (e.g., the capital gains preference), middle-income (the education credits) or lower-income (the earned income credit). A principal goal of this course is also to teach students to analyze and apply a complex federal statute. Unless waived by the instructor, Taxation is generally a prerequisite for J.D. students in the advanced tax courses.

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## Taxation

**Course #:** 2234      **Term:** 2020FA      **Faculty:** Desai, Mihir      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law; Taxation

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

Thu 1:00 PM - 3:00 PM

**Course Description:** Prerequisite: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course focuses on the U.S. federal income tax and the policy considerations that inform the design of the tax, which has become an important governmental tool for influencing many aspects of modern American life. The course accordingly examines not only the concept of taxable income, but also how the federal government uses the tax to influence the behavior of taxpayers across the income spectrum. A principal goal of this course is also to teach students to analyze and apply a complex federal statute.

Unless waived by the instructor, Taxation is generally a pre-requisite for J.D. students in the advanced tax courses.

Textbook(s): REQUIRED Graetz, Schenk & Alstott Federal Income Taxation8th edition, 2018 ISBN 9781640206809 Foundation Press

Federal Income Tax: Code and Regulations--Selected Sections (2020-2021) ISBN 9780808054610 Wolters Kluwer

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## Taxation

**Course #:** 2234      **Term:** 2021SP      **Faculty:** Abrams, Howard      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law; Taxation

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Spring 2021 Exam Schedule

This course focuses on the U.S. federal income tax and the policy considerations that inform the design of the tax, which has become an important governmental tool for influencing many aspects of modern American life. The course accordingly examines not only the concept of taxable income, but also how the federal government uses the tax to influence the behavior of taxpayers. A principal goal of this course is to teach students to analyze and apply a complex federal statute.

Unless waived by the instructor, Taxation generally is a pre-requisite for J.D. students in the advanced tax courses.

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## Taxation

**Course #:** 2234      **Term:** 2020FA      **Faculty:** Warren, Alvin      **Credits:** 4.00

**Type:** Multisection      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law; Taxation

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 8:00 AM - 9:25 AM

Thu 8:00 AM - 9:25 AM

Fri 8:00 AM - 9:25 AM

**Course Description:** Prerequisite: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course focuses on the U.S. federal income tax and the policy considerations that inform the design of the tax, which has become an important governmental tool for influencing many aspects of modern American life. The course accordingly examines not only the concept of taxable income, but also how the federal government uses the tax to influence the behavior of taxpayers, whether wealthy (e.g., the capital gains preference), middle-income (the education credits) or lower-income (the earned income credit). A principal goal of this course is also to teach students to analyze and apply a complex federal statute.

Unless waived by the instructor, Taxation is generally a prerequisite for J.D. students in the advanced tax courses.

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## Taxation of Business Corporations

**Course #:** 2274      **Term:** 2021SP      **Faculty:** Brennan, Thomas      **Credits:** 4.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Regulatory Law; Taxation

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:20 AM - 11:40 AM

Tue 10:20 AM - 11:40 AM

Wed 10:20 AM - 11:40 AM

**Course Description:** Prerequisite: Taxation. Please note, students who completed Corporate Tax A or Corporate Tax B are not eligible to enroll in this course.

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course covers the major tax law and policy issues involved in the organization, operation, and restructuring of U.S. corporations, including the tax treatment of corporate shareholders. The course provides the tax background necessary for understanding and participating in the creation of many types of business transactions of both publicly and closely held enterprises, including acquisitions, liquidations, mergers, and divisions. In the U.S., the structure of these major corporate transactions is very heavily influenced by the applicable tax provisions.

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## Teaching Copyright

**Course #:** 2636      **Term:** 2021SP      **Faculty:** Fisher, William      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** This course has an early drop deadline of December 1.

Prerequisites: By permission. Teaching Copyright is open to all Harvard Law School students who either have already taken a course on Copyright at HLS or will be enrolled in such a course during the Spring of 2021. Harvard Law School students who satisfy these requirements may enroll by emailing Judith Duvivier-Qashat at [jduvivierqasat@law.harvard.edu](mailto:jduvivierqasat@law.harvard.edu) by November 20. Other students may enroll only with the permission of the instructor. To seek such permission, please send a resume and an explanation of your interest and qualifications to [tfisher@law.harvard.edu](mailto:tfisher@law.harvard.edu) by November 20.

Exam Type: No Exam

This course is designed for students who are interested in deepening their knowledge of copyright law and gaining experience with law teaching. Each student in the course will be a Teaching Fellow for CopyrightX, an online copyright course taught by Prof. Fisher to roughly 500 students worldwide. The weekly meetings of the course have two functions: to provide an advanced seminar on copyright; and to provide students guidance and support as they learn to teach.

CopyrightX closely parallels the HLS course on Copyright. Like the HLS students, the CopyrightX students learn the essential elements of both doctrine and theory by watching videotaped lectures prepared by Prof. Fisher, reading cases and secondary materials, and watching webcast special events in which guest speakers examine controversial current topics. In addition, each CopyrightX student participates in a 25-person seminar led by a Teaching Fellow.

Each Teaching Fellow has two primary responsibilities: to conduct each week an 80-minute live online discussion that uses case studies to refine the students understanding of the pertinent laws and policies; and to draft or revise (at some point during the semester) one case study that will be employed both by Prof. Fisher and by the other Teaching Fellows to facilitate discussions. In addition, the Teaching Fellows will meet once a week with Prof. Fisher to discuss the issues addressed in the lecture and readings for that week and to exchange ideas concerning possible ways of teaching their own seminars. During most weeks, this meeting will be held during one of the time slots allocated to the regular Copyright course. On a few occasions, however, it will meet on a weekday evening.

Additional information concerning CopyrightX and the role of the Teaching Fellows can be found by visiting [copyx.org](http://copyx.org) or by emailing [copyrightx\[at\]cyber.law.harvard.edu](mailto:copyrightx[at]cyber.law.harvard.edu).

Note: The credit breakdown for this course is as follows: three total credits - two classroom credits and one writing credit.

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## Teaching Lawyering for Justice

**Course #:** 2262

**Term:** 2021WI

**Faculty:** Gregory, Michael; Umunna, Dehlia;  
Caramello, Esme

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**

**Location**

**Course Description:** This course is co-taught by Professors Esme Caramello, Tyler Giannini, Michael Gregory, and Dehlia Umunna.  
Prerequisite: None

Exam Type: No Exam This course is designed for students who are interested in deepening their knowledge of social justice lawyering and gaining experience with law teaching, particularly teaching that involves an experiential component. Each student in the course will be a Teaching Fellow for Lawyering for Justice in the United States, a Winter Term course taught by Professors Caramello, Giannini, Gregory, and Umunna to first year law students.

Many students come to Harvard Law School to learn to correct injustices they have experienced or observed. Lawyering promises to be a concrete method of social justice problem solving, a set of tools that the lawyer can use to make a positive difference. But what does it really look like to lawyer for justice? The strategies and tactics of public interest lawyers vary widely depending on their clients, their causes, their geography, and their own interests, talents, and expertise. How do you choose how to lawyer? What tools in the lawyers toolkit are best suited to your task? And what are the limits on the lawyers role? How do lawyers situate themselves in the ecosystem of change agents, offering their unique skills (and credentials) while making space to learn and benefit from other voices and methodologies?

This course will help first-year students explore these foundational questions through interactive sessions led by experienced practitioners teaching and lawyering in the HLS clinical programs and their community partners. Each day, a clinical teacher working on a different social justice problem - immigration, predatory lending, human rights, criminal justice, education, housing, building a solidarity economy, and more - will share their thoughts on what it means to lawyer for justice and will lead students through discussions and exercises that offer first-hand experience of a wide range of lawyering dilemmas and approaches. Collectively, the sessions will cover a diverse set of lawyering techniques, including impact litigation, legislative and policy advocacy, transactional work, community lawyering, media advocacy, system mapping, and the representation of individuals in proceedings in unjust systems. The course will end in a full-day hackathon in which students will apply human-centered design principles to the development of strategies and tactics to address one or more contemporary justice problems.

Each Teaching Fellow has two responsibilities: to assist with conducting several multi-hour sessions that uses case studies to refine the student's understanding of the pertinent approaches to lawyering and help students develop their own thinking to advance justice; and to draft one case study that will be jointly facilitated by a Professor and the Teaching Fellow. In addition, the Teaching Fellows will meet several times a week with a professor from the teaching team to discuss the issues addressed learning goals and objectives, discuss progress in the course, consider readings and to exchange ideas concerning possible ways of teaching sessions that remain or improving sessions for the future.

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## Technology and the Public Interest

**Course #:** 1060

**Term:** 2021WI

**Faculty:** Palfrey, John

**Credits:** 2.00

**Type:** 1lwinter

**Subject Areas:** Not Applicable

**Delivery Mode:** Course

### Days and Times:

### Location

Mon 10:00 AM - 12:30 PM

Tue 10:00 AM - 12:30 PM

Wed 10:00 AM - 12:30 PM

Thu 10:00 AM - 12:30 PM

Fri 10:00 AM - 12:30 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Note: This course is restricted to first-year J.D. students only.

The drop deadline for 1L January Experiential Term classes is December 4, 2020. Students may not drop a course if they do not have an offer to enroll in a different January Experiential Term course.

1L January Experiential Term courses are intensive learning courses. Class attendance is required in each course every day of the term, beginning Tuesday, January 5th. Students should plan accordingly and should not take on other work commitments during the term.

Exam Type: No Exam

As digital technologies transform industries, political systems, and the lives of nearly everyone on the planet, a new job has arisen for lawyers: how can we protect the public interest as innovation swirls in all directions? Societies tend to prioritize creativity, change, and growth in the form of new and exciting digital technologies. This change brings with it great opportunities as well as a new slew of challenges in upholding individual privacy, equality, security, and many other important principles. This course offers a chance for 1Ls during their Winter term to explore this continuously evolving field of law with an emphasis on how lawyers can shape the way that technologies are developed, constrained, and managed to promote justice, equity, and inclusion in the broad public interest.

Note: There may be days throughout the winter term that require attendance beyond the scheduled times. Please refer to the course syllabus and page for more information.

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## The Comparative Law Workshop

**Course #:** 2129      **Term:** 2020FA      **Faculty:** Alford, William; Rabb, Intisar      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: None

Exam Type: No Exam  
Students will do 4 short response papers critiquing work-in-progress to be presented by leading comparative law scholars.

This workshop will engage key questions in comparative law, using as focal points the study of Chinese and Islamic law and legal history. Students will read examples of influential scholarship in each field both for their importance and as a vehicle for thinking about methodological issues in comparative work in general.&nbsp; Students will also have the opportunity to engage several leading scholars in each field who will present works-in-progress. There are no prerequisites and the instructors welcome students with an interest in comparative legal study but no prior engagement with Chinese or Islamic law.

Please consult Professors Alford or Rabb with any questions you may have.

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## The Conduct of Life in Western and Eastern Philosophy

**Course #:** 2392      **Term:** 2021SP      **Faculty:** Unger, Roberto Mangabeira; West, Cornel      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 9:30 AM - 11:30 AM

**Course Description:** Prerequisites: None

Exam: Takehome, not administered by HLS

A study of approaches in the philosophical traditions of the West and the East to the conduct of life. Philosophical ethics has often been understood as meta-ethics: the development of a method of moral inquiry or justification. Here we focus instead on what philosophy has to tell us about the first-order question: How should we live our lives?

This year a major concern will be the study and contrast of two such orientations to existence. One is the philosophical tradition focused on ideas of self-reliance, self-construction, and nonconformity (exemplified by Emerson and Nietzsche). The other is a way of thinking (notably represented by Confucius) that puts its hope in a dynamic of mutual responsibility, shaped by role and ritual and informed by imaginative empathy.

Note: This course is jointly-listed with FAS as GENED 1128 and HDS as 2313.

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# Harvard Law School Course Catalog

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## The Corporation as a Citizen

**Course #:** 2431      **Term:** 2020FA      **Faculty:** Holston, Mike; Dimitrief, Alex      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Thu 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

What is the role of the corporation in the world today? This course will examine the purpose(s) of a corporation, revisit the long-running debate between shareholder primacy and stakeholder governance and consider the obligations that corporations arguably owe to a broad array of stakeholders (e.g., investors, activists, employees, suppliers, creditors, communities and governments). We will also examine the roles that corporations play in several key areas in the United States and abroad, including organizational integrity, public policy, the political process, social issues and data privacy. The class will navigate these issues through case studies drawn from the headlines and also feature guest lecturers from leading companies who are experienced in these areas. Short papers will be periodically required over the course of the semester.

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## The Death of Constitutional Democracy?

**Course #:** 3059      **Term:** 2021SP      **Faculty:** Heikal, Hedayat      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This reading group will explore whether the United States and the world are facing an unprecedented democratic recession, a governance crisis, or both. Are some constitutional democracies under existential threat? Are they simply transitioning from one political regime to another? Is authoritarianism, let alone fascism, on the rise as a mode of governance everywhere? What is the place of populism in this picture - can there be a progressive populism or does populism always threaten pluralism and values liberal constitutions hold dear? In addition to engaging with these questions, the reading group's six sessions will also query whether constitutions and courts can effectively protect polities from democratic decay.

Note: This reading group will meet on the following dates: 2/3, 2/17, 3/3, 3/24, 4/7, 4/21.

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## The Effects of Mass Incarceration: Experiences of Prison and Parole

**Course #:** 2624      **Term:** 2021SP      **Faculty:** Umunna, Dehlia      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Criminal Law and Procedure

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: None  
Exam Type: No Exam  
More than 6 million Americans are under "correctional supervision" in the United States, which incarcerates people at a rate drastically out of proportion with its population compared with the rest of the world. The yearly US cost of incarceration is over \$80 billion per year. There are major debates on incarceration issues swirling in the general public and in the legal community ranging from the morality and efficacy of solitary confinement to the effects of prison overcrowding to the proper administration of parole to the appropriateness of life sentences without parole for a variety of populations and crimes. The effects of incarceration fall disproportionately on communities of color and perpetuate the cycle of poverty.  
Through a combination of practical experiences and written texts, students will examine the experience and effects of incarceration and parole locally, nationally, and internationally. Experiences in the seminar will include: touring local prisons or jails, meetings with lifetime parolees and formerly incarcerated individuals, and a wide variety of written texts including essays, case studies, and research.  
Students numbered 1-5 on the waitlist who plan to enroll if the opportunity arises should attend the first class, as long as other course scheduling permits.

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# Harvard Law School Course Catalog

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## The Effects of Mass Incarceration: Experiences of Prison and Parole

**Course #:** 2624      **Term:** 2020FA      **Faculty:** Umunna, Dehlia      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Criminal Law and Procedure

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: None

Exam Type: No Exam

More than 6 million Americans are under "correctional supervision" in the United States, which incarcerates people at a rate drastically out of proportion with its population compared with the rest of the world. The yearly US cost of incarceration is over \$80 billion per year. There are major debates on incarceration issues swirling in the general public and in the legal community ranging from the morality and efficacy of solitary confinement to the effects of prison overcrowding to the proper administration of parole to the appropriateness of life sentences without parole for a variety of populations and crimes. The effects of incarceration fall disproportionately on communities of color and perpetuate the cycle of poverty.

Through a combination of practical experiences and written texts, students will examine the experience and effects of incarceration and parole locally, nationally, and internationally. Experiences in the reading group will include: touring local prisons or jails, meetings with lifetime parolees and formerly incarcerated individuals, and a wide variety of written texts including essays, case studies, and research.

Students numbered 1-5 on the waitlist who plan to enroll if the opportunity arises should attend the first class, as long as other course scheduling permits.

Note: This reading group will meet on the following dates: 9/21, 10/5, 10/26, 11/9, 11/16, and 11/30.

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## The Ethics and Governance of Artificial Intelligence

**Course #:** 2728      **Term:** 2020FA      **Faculty:** Zittrain, Jonathan      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment; Legal & Political Theory

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This reading group will examine key readings and projects surrounding the ethics and governance of the opaque complex adaptive systems that are increasingly in public and private use. We will range among the proliferation of algorithmic decisionmaking, autonomous systems, and machine learning and explanation; the search for balance between regulation and innovation; and the effects of AI on the dissemination of information, along with questions related to individual rights, discrimination, and architectures of control.

Note: This reading group will meet on the following dates: 9/21, 9/28, 10/5, 10/19, 10/26, 11/2  
Drop Deadline: September 22nd, 2020, by 11:50 pm EST

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## The Fulfilled Life and the Life of the Law

**Course #:** 2382

**Term:** 2021SP

**Faculty:** Brewer, Scott

**Credits:** 3.00

**Type:** Elective

**Subject Areas:** Constitutional Law & Civil Rights; Disciplinary Perspectives & Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

**Course Description:** Prerequisites: None

Exam: No Exam

What is it to lead a fulfilled life? This was the central question for ancient philosophers, in both the east and the west, for whom philosophy was not only theory, but was also a way of life, designed to assist the practitioner in achieving two related goals: to enable the identification and living of a fulfilled human life, and to achieve careful reflective analysis of concepts of central concern to human individual and social life, such as the concepts of justice, truth, knowledge, and fulfillment itself. Among the core questions raised in these philosophical systems of living are: What is the proper role for reason in a fulfilled life (and what is "reason," and how is it related to - and healthfully related to -- emotion)? What is the proper role for meditative equanimity in a fulfilled life? How is it possible to lead a fulfilled life at a time of great uncertainty in political, economic, and social life in a world fraught with the "post-truth" churn of politics (even the ancients were concerned about this phenomenon)? Among the philosophical ways of life we will explore are: use of the Socratic method to lead an "examined life"; use of skeptical therapy to achieve a life of serenity (Pyrrhonian skepticism); use of meditative techniques designed to enable a life of equanimity and awareness (Buddhist philosophy); cultivation of joyful wisdom (Nietzsche). We are interested in learning not only the theories of fulfillment that these philosophers and philosophical systems offer but also the specific practices they recommend for achieving fulfillment as they conceive it. We also consider throughout the course some of the rich suggestions or implications of these philosophical ways of life for leading a fulfilled life of the law, that is, the life led by law students, lawyers, judges, and others interested in administering, shaping, or living according to law.

Readings are from a variety of legal theorists and from ancient, modern, and contemporary philosophers. Course work consists of class participation and ten two-to-four-page response papers based on the weekly reading. Cross-registrants are welcome. Anyone seeking information about this course should feel free to contact Professor Scott Brewer at [sbrewer@law.harvard.edu](mailto:sbrewer@law.harvard.edu).

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## The International Law of the Sea

**Course #:** 2958      **Term:** 2021SP      **Faculty:** Kraska, James      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; International, Comparative & Foreign Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 3:15 PM - 6:15 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD international/comparative requirement.  
Prerequisite: None  
Exam Type: No Exam  
This course explores the international law of the sea, which is one of the most important and compelling areas of public international law. The international law of the sea focuses on the distribution of authority among flag states, coastal states, and port states, and the balance of authority between states and international organizations, to regulate activities over more than 70 percent of the globe. Sources of law include treaties, cases, norms, regimes, including the United Nations Convention on the Law of the Sea, which is the "constitution" for the worlds oceans. This area of law is a prominent feature of international politics, evident in disputes from the South China Sea to the Arctic Ocean and the Black Sea. Topics include rules governing maritime boundary delimitation, marine environmental law and climate change; biodiversity and sustainable development; naval operations in peacetime and armed conflict; marine resource conservation and fisheries, submarine cables that carry 99 percent of transcontinental communications, commercial shipping that transports some 90 percent of international trade, offshore energy and seabed mineral mining; marine genetic resources, human rights and irregular migration at sea; maritime law enforcement, such as piracy and drug trafficking, and international litigation and dispute resolution procedures.

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## The Roberts Court: Theory and Practice

**Course #:** 2551      **Term:** 2021SP      **Faculty:** Eidelson, Benjamin; Gershengorn, Ian      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Legal & Political Theory

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This seminar will examine various facets of the recent jurisprudence of the U.S. Supreme Court. We will consider a variety of substantive areas, including (among others) the separation of powers, equal protection, freedom of speech, religious freedom, criminal law, and administrative law. Throughout, we will draw on both academic and practice-oriented perspectives, and we will blend close analysis of major opinions with attention to cross-cutting themes in the way the Court approaches its work and how that work is perceived.

The seminar will be co-taught by Professor Eidelson and Ian Heath Gershengorn, Chair of the Supreme Court Practice at Jenner & Block LLP and formerly Acting Solicitor General of the United States.

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## The Role of the Article III Judge

**Course #:** 2016      **Term:** 2021WI      **Faculty:** Griffith, Thomas      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Government Structure & Function; Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 4:00 PM  
Tue 1:00 PM - 4:00 PM  
Wed 1:00 PM - 4:00 PM  
Thu 1:00 PM - 4:00 PM  
Fri 1:00 PM - 4:00 PM

**Course Description:** Prerequisites: Constitutional Law: Separation of Powers, Federalism, and Fourteenth Amendment or Constitutional Law: First Amendment

Exam Type: No Exam

The contemporary debate over the proper role of a federal judge under the Constitution turns, in large measure, on what it is we think an Article III judge is doing when she is called upon to resolve a "case or controversy." Is she looking for the fair result? If so, by whose lights? Is she a political actor, or is she instead looking for a rule of decision that has been previously established by law (a "mere translator" of the law, in Justice Frankfurters words). If so, by natural law or positive law? These are some of the questions we will consider in discussing what role a federal judge plays when she exercises "the judicial Power of the United States" conferred by Article III of the Constitution.

Note: This course will meet for the first two weeks of winter term.

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## The Role of the State Attorney General

**Course #:** 2237      **Term:** 2020FA      **Faculty:** Tierney, James; Brann, Peter      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Disciplinary Perspectives & Law; Government Structure & Function; Regulatory Law

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Government Lawyer: Attorney General Clinic (fall, winter and spring semesters). Students who enroll in any of the three clinic offerings will be enrolled in this required clinical course by the Office of Clinical and Pro Bono Programs.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020 for fall students; August 31, 2020 for winter and spring students.  
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule, with paper option by permission.

The role of state attorneys general has dramatically expanded as these elected officials and their staff have become increasingly important actors in American jurisprudence . &nbsp;They continue to make their mark in consumer protection, antitrust, civil rights, education, immigration, labor law, political corruption and environmental protection even as they tender daily legal advice that impacts the workings of state government. Working alone or in combination with or opposed to the federal government, their colleagues in other states or with businesses, unions and interest groups, the attorneys general are now major players in American jurisprudence.

This two credit course examines the core duties of attorneys general and reviews and critiques their authority and performance. The class will examine the means utilized by attorneys general in carrying out their responsibilities including their ethical responsibilities. It will also discuss the implications for federalism and separation of powers by exploring state relations with state and federal agencies that have parallel jurisdiction. Finally, the course will discuss the impact that interest groups and the media have on the office of attorney general. Attorneys general and their staff regularly visit the class.

Students admitted into the clinic must complete a security clearance for Massachusetts in advance of starting clinical work. Due to the security clearance, this clinic has early add/drop deadlines. Clinical students are also required to attend three to four additional non-credit evening seminars that are held on campus and are facilitated by the Assistant Attorney General intern coordinator. For additional information, please see the clinics description.

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# Harvard Law School Course Catalog

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## The Role of the State Attorney General

**Course #:** 2237      **Term:** 2021SP      **Faculty:** Tierney, James; Brann, Peter      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Government Structure & Function; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

**Course Description:** Prerequisite: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule. Also with paper option by permission.

The role of state attorneys general has dramatically expanded as these elected officials and their staff have become increasingly important actors in American jurisprudence . &nbsp;They continue to make their mark in consumer protection, antitrust, civil rights, education, immigration, labor law, political corruption and environmental protection even as they tender daily legal advice that impacts the workings of state government. Working alone or in combination with or opposed to the federal government, their colleagues in other states or with businesses, unions and interest groups, the attorneys general are now major players in American jurisprudence.

This class is not open to students who are taking/have taken the Attorney General Clinic.

Note: This offering does not count towards Experiential Learning credits.

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# Harvard Law School Course Catalog

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## The U.S. Congress and Law Making

**Course #:** 2251

**Term:** 2021SP

**Faculty:** King, David

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Government Structure & Function

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 9:00 AM - 10:15 AM

Thu 9:00 AM - 10:15 AM

**Course Description:** Prerequisites: None

Exam Type: No HLS Exam

The United States Congress is the "board of directors" for the Federal Government, and it plays the central role in most national policy decisions. Yet how it works - the real story of how it works - is largely unknown, even among people who have worked in policymaking for a long time. Taught by the faculty chair of Harvards Bipartisan Program for Newly Elected Members of Congress, this course puts students in the midst of legislative politics through academic readings and real-world cases. The course begins with the theory and history of legislatures and ends with a simulation involving lobbyists, journalists, and would-be legislators. It is ideal for anyone considering working with the Congress or state legislatures.

Note: This course is jointly-listed with HKS as DPI-120.

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## The U.S. Congress and Law Making

**Course #:** 2251

**Term:** 2021SP

**Faculty:** King, David

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Government Structure & Function

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 9:00 AM - 10:15 AM

Thu 1:30 PM - 2:45 PM

**Course Description:** Prerequisites: None

Exam Type: No HLS Exam

The United States Congress is the "board of directors" for the Federal Government, and it plays the central role in most national policy decisions. Yet how it works - the real story of how it works - is largely unknown, even among people who have worked in policymaking for a long time. Taught by the faculty chair of Harvards Bipartisan Program for Newly Elected Members of Congress, this course puts students in the midst of legislative politics through academic readings and real-world cases. The course begins with the theory and history of legislatures and ends with a simulation involving lobbyists, journalists, and would-be legislators. It is ideal for anyone considering working with the Congress or state legislatures.

Note: This course is jointly-listed with HKS as DPI-120.

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## The United States and Global Capital Markets Regulation: A Retrospective Of the Past Twenty Years

**Course #:** 3049      **Term:** 2020FA      **Faculty:** Jackson, Howell      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; International, Comparative & Foreign Law; Regulatory Law

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Thu 7:30 AM - 9:00 AM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This reading group will explore developments in international capital markets over the past two decades. We will read a collection of law review articles and policy papers written over the period, addressing regulation of capital raising and trading markets in global markets as well as challenges related to cross-border enforcement practices. At least one session will focus on current developments in European capital markets and another will address current conflicts between the SEC and PRC authorities related to auditing practices.

In order to accommodate participants from as many time zones as possible, the reading group will meet from 7:30 to 9:00 am on selected Thursday mornings during the Fall semester. Readings will be posted to Canvas and students will be asked to post reaction papers to Canvas discussion groups 24 hours before each session. Interested students will have the opportunity to work with Professor Jackson later in the year on independent papers or research assignments related to the subject matter of the reading group.

Note: This reading group will meet on the following dates: 9/10, 9/17, 9/24, 10/8, 10/22, 11/5, 11/19, and 12/3.

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## The US and PRC: Whither the Relationship?

**Course #:** 3078

**Term:** 2021SP

**Faculty:** Alford, William

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** International, Comparative & Foreign Law

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Fri 9:30 AM - 11:30 AM

**Course Description:** Prerequisite: The reading group is by permission. Students should send a note expressing interest along with a CV to Professor William Alford at [alford@law.harvard.edu](mailto:alford@law.harvard.edu) no later than January 29 (and preferably sooner) with a copy to Emma Johnson [johnson@law.harvard.edu](mailto:johnson@law.harvard.edu) Please also indicate where you will be physically when taking the class. The first session will be held on Friday February 12 from 9:30-11:30 AM Boston time with subsequent five sessions spaced roughly two weeks apart.

Exam Type: No Exam

No written work is required but students will be expected to read the materials (which are exciting) carefully.

The relationship between the US and the PRC has fluctuated markedly since the latter's founding in 1949. No short-hand does justice to its complexity but commentators often speak of the two nations having been Cold War rivals prior to the launching of China's reform era in the 1970s; enmeshed in robust economic and cultural engagement during the last two decades of the 20th century; and more recently, sharp competitors across a range of issues.

This reading group will use the start of a new American administration to explore the history of the relationship; illustrative dimensions of the PRC Party-state; selected key legal, political, and economic) issues now facing the relationship; and ways of thinking creatively and carefully about what may or may not be possible and why.

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## The US Constitution in Comparative Perspective

**Course #:** 3051      **Term:** 2020FA      **Faculty:** Dixon, Rosalind      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; International, Comparative & Foreign Law; Legal & Political Theory; Legal History

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 8:00 PM - 10:00 PM

**Course Description:** Prerequisites: None

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course explores key concepts and doctrines in US constitutional law, including foundational cases on the role of the US Supreme, the separation of powers, doctrines of federalism and the First and Fourteenth Amendments. It further situates these doctrines in a comparative context and explores the value of studying US constitutional law in this broader context. For instance, it compares US federalism doctrines to equivalent doctrines on the commerce and dormant commerce clause in Australia. It considers parallels, as well as differences, between US separation of powers cases and the decision of the UK Supreme Court in Miller (on Brexit) and UK decisions on the rights of non-citizens. It contrasts US caselaw on religious free exercise, racial equality and poverty or socio-economic rights’ with equivalent cases from South Africa. It compares US cases on free speech and reproductive rights with Canadian and German cases on these topics; and US cases on sexual privacy and same-sex marriage with cases from the UK, South Africa, India, Korea and Hong Kong. It also considers select comparisons from Colombia and Brazil and global variation in the design of courts’ role and jurisdiction, the flexibility and function of constitutional amendment rules, and processes for the appointment and removal of executive officials - including in the context of recent trends toward illiberal’ or anti-constitutional populism.

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## The US Constitution: Is Reform Necessary? Is It Possible?

**Course #:** 3048

**Term:** 2020FA

**Faculty:** Levinson, Sanford

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Thu 8:30 AM - 10:00 AM

**Course Description:** Prerequisites: None

Exam Type: No Exam

The main impetus for the Constitution of 1787 was the perception, spelled out in the very first paragraph of Federalist 1, that the current system established under the Articles of Confederation was not serving the nation well; by Federalist 15, it would be described as an imbecil[ic] system demanding (and justifying) radical transformation. The Framers of the 1787 Constitution scarcely believed they had achieved perfection, however; that is one reason for the existence of Article V, allowing amendment to the Constitution.

The radical flaws of the 1787 Constitution both led to civil war in 1861 and then served as the basis for what were viewed as the corrective changes we sometimes refer to as the Reconstruction Amendments. The term itself is completely ambiguous: Were they designed to restore a Union that had gone amiss by straying from the original plan, or, instead, to create a fundamentally different (and better) Union that was fatally compromised from the outset and thus needed transformation?

We are meeting as we are, by Zoom, in part because the United States, like the rest of the world, is faced with a challenging pandemic that requires extraordinarily response. But the summer of 2020 is also the occasion for the most important mass movement in the United States in at least a half-century, sparked by the murder of George Floyd in Minneapolis and building on the anger and organization of what has come to be called the Black Lives Matter movement. Moreover, 2020 has been the year of the third impeachment trial in our history, where the Senate, on a completely partisan vote, acquitted Donald J. Trump of violating the Impeachment Clause after his impeachment, on an almost equally partisan vote, by the House of Representatives. There will, of course, be an election in November, 2020, which will be carried out under the rules established by the electoral college system that is perhaps one of the most peculiar features of American exceptionalism.

All of these crises and events raise a variety of important legal issues. Some of them can be viewed as internal to the existing constitutional order in the United States, i.e., turning on how one defines existing statutes or passages of the Constitution. What is a High Crime and Misdemeanor anyway? But there are also those who ask whether the system created by the 1787 Constitution, even as amended and reconstructed, does not have sufficiently imbecilic features to justify significant reform and transformation today. Would we, for example, be better off by having a process for a vote of no confidence in a president or even allowing, as in Wisconsin and California, the possibility of a recall election that could displace a president from office? Might it even be time to consider replacing presidentialism with a parliamentary form of government?

I am not a neutral party with regard to such discussions. I published a book in 2006, *Our Undemocratic Constitution*, that focused on a number of structural features that could not plausibly be defended under any 21st century theory of democracy. In 2012, I published *Framed: America's 51 Constitutions and the Crisis of Governance*, in which the focus was less on the undemocratic features of the Constitution and more on the sheer fact that more and more of the American public was significantly dissatisfied with the actual operation of the national government, posing the possibility of a genuine legitimacy crisis. My wife

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and I published a book in 2017, with a 2nd edition rapidly following in 2019, *Fault Lines in the Constitution*, ostensibly directed at teenagers, that set out the threats that, if activated, like geologic fault lines and tectonic plates, could destroy our polity and not only a great city. I have advocated a new constitutional convention as one way of addressing these problems.

What is more telling, perhaps, is that for the first time in many years, there seems to be some genuine interest in the possibility of constitutional reform. One of the assignments will be a report by a bi-partisan blue-ribbon commission put together by the American Academy of Arts and Sciences to address Our Common Purpose: Reinventing American Democracy for the 21st Century. The National Constitution Center in Philadelphia has organized three groups, one liberal, one conservative, and the last libertarian, to offer proposed suggestions for constitutional reform, all of which should be available by the time of our first meeting. I am chairing a group organized under the aegis of Michael Tomasky, the editor of *Democracy*, that is exploring what a constitution suitable to the 21st century might look like.

So our project this semester will be to look at some of the suggested constitutional reforms and to debate their attractiveness. One reason I am excited by the ability to teach this particular reading course during a time slot designed in part for students far away from the United States is that the inquiry will benefit strongly from a comparative approach that I anticipate that some of you will bring, whether or not you consider yourself to be comparativists.

Accompanying the question of the desirability of constitutional reform, though, is the quite separate question of whether it is in fact possible, especially if one operates under the constraints of Article V of the Constitution, which requires ratification of any proposed amendments by three-quarters of the 50 states, i.e., 38 states. Theoretically, the thirteen states able to veto any proposed changes could comprise less than 5% of the total American population of approximately 340,000,000 people. Thus the last of our eight sessions will be devoted entirely to this very practical problem (and the comparative question, of course, is how easy or hard it is in some of your own countries to effectuate significant constitutional change). Similar questions, incidentally, can be raised regarding the widely-recognized desirability of changing some of the ways the United Nations operates, particularly with regard to the Security Council and the unique possession by the five winning countries in World War II of the veto power that can override any decisions made by the majority of the Council.

Reading courses, of course, have no exams or extensive writing requirements. I do, however, ask that all of you submit, over the course of our time together, two response papers of approximately 600-750 words to the readings assigned for the particular weeks of your choice. A major purpose of these papers is to provide an agenda for our discussions. That is, you should focus on whatever you regard as the most interesting aspects of the particular reading, about which you would be particularly benefit from some collective conversation.

Note: This reading group will meet for eight sessions held on the following dates: 9/10, 9/24, 10/8, 10/15, 10/22, 10/29, 11/5, 11/12

Textbook(s):

*Democracy and Dysfunction* (University of Chicago, 2019)

*Fault Lines in the Constitution: The Framers, Their Fights, and the Flaws that Affect Us Today* (Peachtree Publishing Co., 2d edition, 2019)

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## The Warren Court

**Course #:** 2005      **Term:** 2021SP      **Faculty:** Klarman, Michael      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Legal History

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: None

Exam Type: No Exam

There is no exam or long-paper requirement. Students are expected to attend class, do the readings, and participate in class discussion. In addition, you will be asked to write 2 short papers over the course of the semester responding to the readings. These should be in the range of 4-6 double-spaced pages. Final grades will be based half on these short papers and half on class participation.

This seminar will examine most of the leading constitutional rulings of the Warren Court. The readings will be considerable-you should expect somewhere between 6 and 8 hours of reading per week-as I am trying to give you a wide range of angles from which to approach each of the subject matter areas we will be discussing. Readings will include: cert. memos from law clerks, briefs, conference notes, memos between the justices, excerpted opinions, newspaper reaction, letters to the justices, and law review commentary. We will also be using Lucas Powes The Warren Court and American Politics to provide background and an overview. Please do not sign up for the course unless you are prepared to commit to doing this much reading.

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## Theories About Law

**Course #:** 2319      **Term:** 2020FA      **Faculty:** Sargentich, Lewis      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Legal & Political Theory

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

There will be two short papers in lieu of an examination. One will be assigned midway through the course and the other at the end.

This course begins with a survey of positions in American legal thought, from the time of the Legal Realists to the contemporary period. Then the course looks at law from the standpoint of a number of larger theories, considering law in relation to social theory, literary understanding, moral psychology, and the critique of liberalism. The last two sessions ask how law might go forward on premises of critical jurisprudence.

Readings are selected as exemplary texts, displaying core theoretical positions. After the initial survey, each session restricts its focus to a close look at basic ideas of one or two major theorists.

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## Title IX: Sports, Sex and Equality on Campus

**Course #:** 2242      **Term:** 2020FA      **Faculty:** Rosenfeld, Diane      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisite: None

Exam Type: No Exam

Title IX of the Civil Rights Act promises equal access to educational opportunities. This has been one of the most dynamic areas of civil rights activism in the recent past, and promises to remain so. Under the Obama Administration, protecting students from sex assault was a capstone priority. Such efforts may not remain a high priority in the new administration. Thus, we will consider the question of how essential the federal governments role is in enforcing Title IXs equity principles? What other levers are available to further the civil rights of students to a safe and equal educational environment? This course provides the opportunity to develop a robust discourse on critical issues of gender equality in schools, including issues of gender identity. Readings include cases, articles, and decisions by the Office of Civil Rights of the Department of Education.

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## Torts 1

**Course #:** 1005      **Term:** 2021SP      **Faculty:** Gersen, Jacob      **Credits:** 4.00  
**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Wed 1:00 PM - 3:00 PM

Fri 1:00 PM - 3:00 PM

**Course Description:** Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course concerns the legal protection afforded in civil proceedings against interference by others with security of ones person, property or intangible interests. It is not directly concerned with the law of property and contract, which form the subject of other courses, but it explores relationships with these bodies of law. Three fundamental theories of liability emerge: intentional interference, negligence, and strict liability. The influence of these theories and of associated policies is studied in the context of recognized categories of tort liability, particularly assault, battery, interference with peace of mind, negligence, trespass, nuisance, product liability and also no-fault plans. Through these illustrations the course seeks to develop an understanding of the laws search for basic principles to govern the resolution of human conflicts, particularly disputes having to do with the harmful side-effects of productive activity.

Textbook(s):  
Ward Farnsworth & Mark F. Grady, Torts: Cases and Questions (3rd ed)

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## Torts 2

**Course #:** 1005      **Term:** 2021SP      **Faculty:** Sargentich, Lewis      **Credits:** 4.00

**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 3:20 PM - 4:40 PM

Tue 3:20 PM - 4:40 PM

Wed 3:20 PM - 4:40 PM

**Course Description:** Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course concerns the legal protection afforded in civil proceedings against interference by others with security of ones person, property or intangible interests. It is not directly concerned with the law of property and contract, which form the subject of other courses, but it explores relationships with these bodies of law. Three fundamental theories of liability emerge: intentional interference, negligence, and strict liability. The influence of these theories and of associated policies is studied in the context of recognized categories of tort liability, particularly battery, negligence, trespass, nuisance, strict liability, product liability and also no-fault plans. Through these illustrations the course seeks to develop an understanding of the laws search for basic principles to govern the resolution of human conflicts, particularly disputes having to do with the harmful side-effects of productive activity. Professor Sargentich will use Keeton, Sargentich, and Keating, Tort and Accident Law (4th ed. 2004).

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## Torts 3

**Course #:** 1005      **Term:** 2021SP      **Faculty:** Gersen, Jacob      **Credits:** 4.00  
**Type:** 1lcourse      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 10:00 AM - 12:00 PM

Fri 10:00 AM - 12:00 PM

**Course Description:** Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course concerns the legal protection afforded in civil proceedings against interference by others with security of ones person, property or intangible interests. It is not directly concerned with the law of property and contract, which form the subject of other courses, but it explores relationships with these bodies of law. Three fundamental theories of liability emerge: intentional interference, negligence, and strict liability. The influence of these theories and of associated policies is studied in the context of recognized categories of tort liability, particularly assault, battery, interference with peace of mind, negligence, trespass, nuisance, product liability and also no-fault plans. Through these illustrations the course seeks to develop an understanding of the laws search for basic principles to govern the resolution of human conflicts, particularly disputes having to do with the harmful side-effects of productive activity.

Textbook(s):  
Ward Farnsworth & Mark F. Grady, Torts: Cases and Questions (3rd ed)

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## Torts 4

**Course #:** 1005      **Term:** 2020FA      **Faculty:** Goldberg, John      **Credits:** 4.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Fri 8:40 AM - 9:40 AM

Mon 8:40 AM - 9:40 AM

Tue 8:40 AM - 9:40 AM

Wed 8:40 AM - 9:40 AM

### Course Description:

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

Most simply, a tort is a civil wrong not arising from contract. But tort law also reflects much deeper questions about when we have obligations to one another and what we must do to meet them. Studying everything from assault and battery to defamation, privacy, and negligence, this course examines the real-world functioning and theoretical foundations of tort law.

Textbook(s):

REQUIRED

John Goldberg, Anthony Sebok & Benjamin Zipursky, Tort Law: Responsibilities and Redress (4th ed. 2016) ISBN: 978-1-4548-6820-0

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## Torts 5

**Course #:** 1005      **Term:** 2020FA      **Faculty:** Lazarus, Richard      **Credits:** 4.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Fri 11:20 AM - 12:40 PM

Mon 1:10 PM - 2:30 PM

Tue 1:10 PM - 2:30 PM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam ScheduleClass

A tort is a wrong. To commit a tort is to violate a duty owed to another not to injure her, such that the other is granted a power to hold the wrongdoer accountable. Tort law determines what counts as a tort, what a plaintiff must prove to obtain recourse, the defenses by which a defendant can avoid liability, and the remedies available to successful plaintiffs. Examining negligence, medical malpractice,&nbsp;battery, assault, trespass,&nbsp;and other torts, this course will explore tort law and larger theoretical questions that it raises.

Textbook(s): Goldberg, Sebok & Zipursky, Torts &dash; Responsibilities and Redress (4th edition 2016) Publisher: Wolters Kluwer; 4 edition (May 16, 2016) ISBN: 9781454868200

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## Torts 6

**Course #:** 1005      **Term:** 2020FA      **Faculty:** Hanson, Jon      **Credits:** 4.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Tue 1:10 PM - 2:50 PM

Wed 1:10 PM - 2:50 PM

Thu 1:10 PM - 2:50 PM

**Course Description:** Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course will review the doctrines and history of tort law, various positive and normative theories of tort law, the psychological, social, economic, and political forces and dynamics influencing tort law and tort reform, and the interconnections of tort law to other areas of law.

Please note, class time includes space for section planning.

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## Torts 7

**Course #:** 1005      **Term:** 2021SP      **Faculty:** Lahav, Alexandra      **Credits:** 4.00

**Type:** 1course      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 10:40 AM - 12:00 PM

Tue 10:40 AM - 12:00 PM

Wed 10:40 AM - 12:00 PM

**Course Description:** Exam Type: Please refer to the Spring 2021 Exam Schedule

Most simply, a tort is a civil wrong not arising from contract. But tort law also reflects deep questions about when we have obligations to one another and what we must do to meet them. Studying everything from assault and battery to negligence and products liability, this course examines the real-world functioning and theoretical foundations of tort law.

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## Trademark and Unfair Competition

**Course #:** 2462      **Term:** 2021SP      **Faculty:** Tushnet, Rebecca      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Intellectual Property, Cyberlaw and Technology, and Arts & Entertainment

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 8:30 AM - 10:00 AM

Tue 8:30 AM - 10:00 AM

**Course Description:** Prerequisite: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course will introduce students to the federal Lanham Act and related common law doctrines designed to protect against consumer confusion and appropriation of commercial goodwill. In addition to the technical requirements for trademark eligibility, registration, and infringement, we will consider the constitutional and economic underpinnings of trademark protection and evaluate current trends toward the "proPERTIZATION" of trademark law, First Amendment defenses, and the role of the right of publicity.

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## Transactional Law Clinical Workshop

**Course #:** 2247

**Term:** 2021SP

**Faculty:** Price, Brian

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Transactional Law Clinics (4-5 spring clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: LLM students are eligible to enroll in this clinic through Helios.  
This course is the classroom component of the clinical practice for students enrolled in the Transactional Law Clinics (TLC). Students in the Workshop will choose to concentrate their clinical practice in one or more TLC practice areas including business, non-profit, entertainment, real estate. In the classroom and the clinical work, students will have the opportunity to explore and directly experience the various roles performed by transactional lawyers in providing legal services to small businesses, non-profit organizations, real estate parties, community development corporations, or individuals and companies in the arts and entertainment industry. Students will develop legal skills utilized by transactional lawyers and will gain the perspective of transactional practice in the context of actual client representation. Depending upon their clinical concentration and clients needs, students typically will have opportunities to engage in entity formation; start-up law; contract negotiation and drafting; commercial financing; business acquisition; commercial leasing; licensing and permitting; trademark and copyright; corporate governance and compliance; real estate and commercial lease transactions; or other transactional legal work. Students will be exposed to the various challenges faced by clients engaged in transactional activities and to the laws, policies and institutions impacting their ability to succeed. In addition, the course will engage students in critical reflection about the ethical, strategic and policy dimensions of their clinical work; as well as invite reflection about their own professional development. In the classroom component of the course, every student will participate in "rounds" sessions, by presenting a challenging case for class discussion and by critiquing and analyzing the presentations of fellow students.  
A clinical practice component is required of all students. Clinical placements are with the Transactional Law Clinics ([www.harvardtlc.org](http://www.harvardtlc.org)).  
Enrollment is through clinical registration. Please refer to the Office of Clinical and Pro Bono Programs website (<http://www.law.harvard.edu/academics/clinical>) for clinical registration dates, early add/drop deadlines, and other information about the clinical.

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## Transactional Law Clinical Workshop

**Course #:** 2247

**Term:** 2020FA

**Faculty:** Price, Brian

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:**

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Required Clinic Component: Transactional Law Clinics (4-5 fall clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: August 14, 2020.

LLM Students: LLM students are eligible to enroll in this clinic through Helios.

This course is the classroom component of the clinical practice for students enrolled in the Transactional Law Clinics (TLC). Students in the Workshop will choose to concentrate their clinical practice in one or more TLC practice areas including business, non-profit, entertainment, real estate. In the classroom and the clinical work, students will have the opportunity to explore and directly experience the various roles performed by transactional lawyers in providing legal services to small businesses, non-profit organizations, real estate parties, community development corporations, or individuals and companies in the arts and entertainment industry. Students will develop legal skills utilized by transactional lawyers and will gain the perspective of transactional practice in the context of actual client representation. Depending upon their clinical concentration and clients needs, students typically will have opportunities to engage in entity formation; start-up law; contract negotiation and drafting; commercial financing; business acquisition; commercial leasing; licensing and permitting; trademark and copyright; corporate governance and compliance; real estate and commercial lease transactions; or other transactional legal work. Students will be exposed to the various challenges faced by clients engaged in transactional activities and to the laws, policies and institutions impacting their ability to succeed. In addition, the course will engage students in critical reflection about the ethical, strategic and policy dimensions of their clinical work; as well as invite reflection about their own professional development. In the classroom component of the course, every student will participate in "rounds" sessions, by presenting a challenging case for class discussion and by critiquing and analyzing the presentations of fellow students.

A clinical practice component is required of all students. Clinical placements are with the Transactional Law Clinics ([www.harvardtlc.org](http://www.harvardtlc.org)).

Enrollment is through clinical registration. Please refer to the Office of Clinical and Pro Bono Programs website (<http://www.law.harvard.edu/academics/clinical>) for clinical registration dates, early add/drop deadlines, and other information about the clinical.

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## Transactional Law Clinics

**Course #:** 8031      **Term:** 2021SP      **Faculty:** Price, Brian      **Credits:** 5.00

**Type:** Clinic      **Subject Areas:** Business Organization, Commercial Law, and Finance; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Transactional Law Clinical Workshop (2 spring classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: LLM students are eligible to enroll in this clinic through Helios.  
Placement Site: HLS.  
This course is the classroom component of the clinical practice for students enrolled in the Transactional Law Clinics (TLC). Students in the Workshop will choose to concentrate their clinical practice in one or more TLC practice areas including business, non-profit, entertainment, real estate. In the classroom and the clinical work, students will have the opportunity to explore and directly experience the various roles performed by transactional lawyers in providing legal services to small businesses, non-profit organizations, real estate parties, community development corporations, or individuals and companies in the arts and entertainment industry. Students will develop legal skills utilized by transactional lawyers and will gain the perspective of transactional practice in the context of actual client representation. Depending upon their clinical concentration and clients needs, students typically will have opportunities to engage in entity formation; start-up law; contract negotiation and drafting; commercial financing; business acquisition; commercial leasing; licensing and permitting; trademark and copyright; corporate governance and compliance; real estate and commercial lease transactions; or other transactional legal work. Students will be exposed to the various challenges faced by clients engaged in transactional activities and to the laws, policies and institutions impacting their ability to succeed. In addition, the course will engage students in critical reflection about the ethical, strategic and policy dimensions of their clinical work; as well as invite reflection about their own professional development. In the classroom component of the course, every student will participate in "rounds" sessions, by presenting a challenging case for class discussion and by critiquing and analyzing the presentations of fellow students.  
A clinical practice component is required of all students. Clinical placements are with the Transactional Law Clinics ([www.harvardtlc.org](http://www.harvardtlc.org)).  
Enrollment is through clinical registration. Please refer to the Office of Clinical and Pro Bono Programs website (<http://www.law.harvard.edu/academics/clinical>) for clinical registration dates, early add/drop deadlines, and other information about the clinical.

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## Transactional Law Clinics

Course #: 8031	Term: 2020FA	Faculty: Price, Brian	Credits: 5.00
Type: Clinic	Subject Areas: Business Organization, Commercial Law, and Finance; Procedure & Practice		
Delivery Mode: Clinic			
Days and Times:	Location		

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Transactional Law Clinical Workshop (2 fall classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: None. By Permission: No. Add/Drop Deadline: August 14, 2020.LLM

Students: LLM students are eligible to enroll in this clinic through Helios. Placement Site: HLS.

This course is the classroom component of the clinical practice for students enrolled in the Transactional Law Clinics (TLC). Students in the Workshop will choose to concentrate their clinical practice in one or more TLC practice areas including business, non-profit, entertainment, real estate. In the classroom and the clinical work, students will have the opportunity to explore and directly experience the various roles performed by transactional lawyers in providing legal services to small businesses, non-profit organizations, real estate parties, community development corporations, or individuals and companies in the arts and entertainment industry. Students will develop legal skills utilized by transactional lawyers and will gain the perspective of transactional practice in the context of actual client representation. Depending upon their clinical concentration and clients needs, students typically will have opportunities to engage in entity formation; start-up law; contract negotiation and drafting; commercial financing; business acquisition; commercial leasing; licensing and permitting; trademark and copyright; corporate governance and compliance; real estate and commercial lease transactions; or other transactional legal work. Students will be exposed to the various challenges faced by clients engaged in transactional activities and to the laws, policies and institutions impacting their ability to succeed. In addition, the course will engage students in critical reflection about the ethical, strategic and policy dimensions of their clinical work; as well as invite reflection about their own professional development. In the classroom component of the course, every student will participate in "rounds" sessions, by presenting a challenging case for class discussion and by critiquing and analyzing the presentations of fellow students.

A clinical practice component is required of all students. Clinical placements are with the Transactional Law Clinics ([www.harvardtlc.org](http://www.harvardtlc.org)).

Enrollment is through clinical registration. Please refer to the Office of Clinical and Pro Bono Programs website (<http://www.law.harvard.edu/academics/clinical>) for clinical registration dates, early add/drop deadlines, and other information about the clinical.

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## Transitional Justice: Dispute Systems Design and Durable Peace

**Course #:** 3072

**Term:** 2021SP

**Faculty:** Dicker, Lisa

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Human Rights; International, Comparative & Foreign Law; Procedure & Practice

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Taught by Lisa Dicker  
Prerequisite: None  
Exam Type: No Exam

After periods of widespread conflict or repression, the regular justice system of a country is unlikely to be able to deliver an adequate response that provides sufficient redress for victims and heals the society. Transitional justice refers to the judicial and non-judicial processes and mechanisms countries may use to seek to address mass or systemic war crimes and violations of human rights, including prosecutions, truth-seeking processes, reparations programs, and guarantees of non-recurrence, primarily institutional reforms. Practitioners and scholars largely agree that transitional justice is critical to achieving a durable peace and preventing future harms, however, there is no formula for transitional justice and the needs of each context are unique.

This reading group will examine transitional justice through a lens of dispute system design, engaging questions such as:

When should a transitional justice system be established?

When is a context ripe for transitional justice? How can tensions between justice and peace be addressed?

Who should design and implement the transitional justice processes?

Who should be the design decision-makers? Who should be consulted? Who should have ownership of the transitional justice system?

How should a transitional justice system be designed?

Which judicial and non-judicial processes and mechanisms should be used and how should each be designed? How do these processes and mechanisms intersect and interact with each other? What values should be promoted and what remedies should be provided?

When is transitional justice complete and how should the transitional justice system be evaluated?

How do implementers know when transitional justice has been concluded? What metrics can be used to evaluate the successes and shortcomings of a system? All of the above are live and heavily debated questions in the field of transitional justice and will be discussed in the reading group through a combination of readings, country-specific case studies, and a simulation on designing transitional justice. The reading group will also connect with one or more guest speakers who engaged in the design and implementation of transitional justice in their countries.

Note: This reading group will meet on the following dates: January 26, February 9, February 23, March 9,

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March 23, and April 6.

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## Trauma, Refugees and Asylum Law

**Course #:** 2576      **Term:** 2021SP      **Faculty:** Ardalan, Sabrineh; Zapata, Cindy      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Disciplinary Perspectives & Law; Human Rights; International, Comparative & Foreign Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Wed 3:00 PM - 5:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
Refugees are among the most vulnerable populations in our legal system today and are among the most challenging to represent. They are the quintessential trauma survivors. Because trauma affects refugees memories, emotions, and demeanor, representation requires lawyers to surmount barriers to elicit information about the harm suffered in order to narrate the refugees story persuasively and effectively. For these reasons, lawyers often work closely with mental health professionals and medical doctors both to treat refugees and to substantiate their claims.  
Critical as it is to the success of refugees legal cases, collaboration among lawyers, medical doctors, and mental health professionals raises provocative and important issues. Lawyers, mental health clinicians, and doctors each have expertise in their own fields, but view their mandates through different lenses. This seminar will address the intersection of immigration and refugee law, trauma, and psychology, drawing on literature from both law and psychology, as well as on immigrant and refugee narratives as told through various genres and media. Guest speakers will include doctors, psychologists, social workers, immigrants, refugees, and advocates.  
Social work perspectives will be integrated throughout the course, and students will learn about and participate in a series of self-reflection and mindfulness exercises. The course will highlight the importance of self-care and debriefing strategies among professionals who work with clients exposed to trauma.

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## Trial Advocacy Workshop

**Course #:** 2249      **Term:** 2020FA      **Faculty:** Sullivan, Ronald; Harden, Brandi; Blitzman, Jay      **Credits:** 3.00

**Type:** Multisection      **Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisites: For JD students there are no formal prerequisites, although familiarity with the rules of evidence is assumed throughout the course. For LLM students, permission of the instructor is required.

Exam Type: No Exam

Early drop deadline: Friday, August 14, 2020

The Fall Trial Advocacy Workshop (TAW) is an intensive course in trial analysis, skills, and techniques taught complete in three weeks. More detailed descriptions of the organization and content of the Workshop program appear below. The Workshop is a required component of ITA: Prosecution Perspectives, and Criminal Justice Institute: Defense Theory and Practice. The course is graded Credit/Fail. Any questions pertaining to the Workshop should be directed to Professor Ronald S. Sullivan Jr.: rsullivan@law.harvard.edu and to Carol M. Flores: cflores@law.harvard.edu.

Course days and hours: Monday through Friday, 2:00 p.m. to 9:00 p.m. Students are allowed four hours (maximum) of class conflicts per week (HLS courses only). If you have concerns regarding the conflicts policy and your schedule, please contact Professor Ronald S. Sullivan Jr.:rsullivan@law.harvard.edu and Carol M. Flores: cflores@law.harvard.edu.

The Fall Trial Advocacy Workshop will take place beginning Tuesday, September 8, 2020 to Thursday, September 24, 2020 (there is no class on Monday, September 7, 2020 due to the Labor Day holiday). The course focuses on the task of the trial lawyer to create in the consciousness of the fact-finders the precise fact picture, which reflects the lawyer's version of the case. The Workshop includes simulated exercises on all aspects of in-court trial practice including opening statements, development of witness testimony on direct and cross examination, use of illustrative aids and exhibits in evidence, impeachment, and summations. An important feature of the Workshop is the on-the-spot evaluation and critique by experienced trial lawyers and judges who teach as volunteers during the Workshop. Student performances are also video-recorded and individually critiqued.

The Fall Trial Advocacy Workshop requires intensive study, preparation, and activity. The program is structured as follows:

During the three-week workshop, students will meet in virtual classroom sessions (large groups and small groups) for simulated trial advocacy exercises from 2:00 p.m. to 6:00 p.m. daily. Each student will be expected to perform each of the assigned exercises each day. These sessions will involve short role-playing assignments for students in various aspects of trial advocacy, evaluations of performances, and occasional demonstrations by members of the teaching team. Students will have opportunities, individually or in groups, for detailed review or critique of

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video-recordings of their own and each other's performances. One or more members of the teaching team will be available at scheduled hours to participate in this review.

Following each day's classroom exercises, the students will have the opportunity to meet with the teaching faculty, which consists of experienced judges and lawyers, and will attend lectures with guest speakers from 7:00 p.m. to 9:00 p.m. each evening.

Texts: Mauet, Trial Techniques (required), plus multilithed materials and case files. Murray, Basic Trial Advocacy (optional)

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## Trial Advocacy Workshop

**Course #:** 2249

**Term:** 2021WI

**Faculty:** Sullivan, Ronald

**Credits:** 3.00

**Type:** Multisection

**Subject Areas:** Procedure & Practice

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 2:00 PM - 9:00 PM

Tue 2:00 PM - 9:00 PM

Wed 2:00 PM - 9:00 PM

Thu 2:00 PM - 9:00 PM

Fri 2:00 PM - 9:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Prerequisite: For JD students there are no formal prerequisites, although familiarity with the rules of evidence is assumed throughout the course. For LLM students, permission of the instructor is required.

Exam Type: No Exam

Early drop deadline: Friday, November 13, 2020

Please note: There will be a mandatory meeting on Friday, October 30, 2020 for all students enrolled in the Winter Trial Advocacy Workshop.

Please note: The mock cases in TAW derive from actual courtroom cases. Some of the issues in the cases may include, without limitation, allegations of adultery, alcoholism, assault, assault on a police officer, homicide, racial profiling/bias, and police assault of a civilian. If any of the foregoing issues present a problem in taking the course, feel free to reach out to Prof. Sullivan to discuss.

The Winter Trial Advocacy Workshop is an intensive course in trial analysis, skills, and techniques taught complete in three weeks. More detailed descriptions of the organization and content of the Workshop programs appear below. The Workshop is a required component of ITA: Prosecution Perspectives, and Criminal Justice Institute: Defense Theory and Practice. The course is graded Credit/Fail. Any questions pertaining to the Workshop should be directed to Professor Ronald S. Sullivan Jr.: [rsullivan@law.harvard.edu](mailto:rsullivan@law.harvard.edu) and to Kekely Dansouh: [kdansouh@law.harvard.edu](mailto:kdansouh@law.harvard.edu). Although this course is graded credit/fail, attendance is required at all course exercises including the evening programs, and absence requires approval from the Program Director.

Course days and hours: Monday through Friday, 2:00pm to 9:00pm EST (Class will not be held on Monday, January 18, 2021, due to the Martin Luther King, Jr. Holiday).

The Winter Trial Advocacy Workshop will take place beginning Tuesday, January 5, 2021 to Friday, January 22, 2021. The course focuses on the task of the trial lawyer to create in the consciousness of the fact-finders the precise fact picture, which reflects the lawyers version of the case. The workshop includes simulated exercises on all aspects of in-court trial practice including opening statements, development of witness testimony on direct and cross examination, use of illustrative aids and exhibits in evidence, impeachment, expert testimony and summations. An important feature of the Workshop is the on-the-spot evaluation and critique by experienced trial lawyers and judges who teach as volunteers during the Workshop. Student performances are also video-recorded and individually critiqued. Each

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student will take part in two full simulated trials, which are systematically critiqued by trial advisors and judges.

The Winter Trial Advocacy Workshop requires intensive study, preparation, and activity. The program is structured as follows:

1. During the three-week workshop, students will meet in virtual classroom sessions (large groups and small groups) for simulated trial advocacy exercises from 2:00pm to 6:00pm EST daily. Each student will be expected to perform each of the assigned exercises each day. These sessions will involve short role-playing assignments for students in various aspects of trial advocacy, evaluations of performances, and occasional demonstrations by members of the teaching team.
2. Students will have opportunities, individually or in groups, for detailed review or critique of video-recordings of their own and each other's performances. One or more members of the teaching team will be available at scheduled hours to participate in this review.
3. Following each day's classroom exercises, the students will have the opportunity to meet with the teaching faculty, which consists of experienced judges and lawyers, and will attend lectures with guest speakers from 7:00pm to 9:00pm EST each evening.
4. A similar schedule is followed for the second week of the workshop.
5. The first two days of the third week of the workshop follow the same classroom schedule as the first week. On Thursday and Friday of the third week of the workshop, participants conduct simulated non-jury trials. Each student participates in one non-jury trial as a lawyer and in one as a witness.

Text: Murray, Basic Trial Advocacy, plus multilithed materials and case files.

This course has an early drop deadline of Friday, November 13, 2020.

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## Trusts and Estates

**Course #:** 2250      **Term:** 2021SP      **Faculty:** Sitkoff, Robert      **Credits:** 4.00  
**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance; Family, Gender & Children's Law; Regulatory Law; Taxation

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Course Description:** Prerequisite: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

This course examines freedom of disposition in American succession law by way of: (a) intestate succession; (b) wills (including execution, revocation, interpretation, and contests); (c) will substitutes (i.e., nonprobate transfers) and planning for incapacity; and (d) trusts (including creation, fiduciary administration, modification, termination, spendthrift and other asset protection trusts, and charitable trusts).

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## Urban Law and Policy

**Course #:** 2516      **Term:** 2021SP      **Faculty:** Brady, Maureen      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Legal History; Regulatory Law

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This reading group will focus on doctrine and theories in land use, local government, and property law by examining the physical development of Boston and Cambridge from 1630 to the present. Readings and class sessions will address, among other topics, colonial land development; transportation history surrounding railroads and streets; the rise and proliferation of zoning and other land use controls; urban renewal; de jure and de facto segregation; and ongoing challenges in housing.

Note: This reading group will meet on the following dates: 1/26, 2/9, 2/23, 3/9, 3/30, 4/13.

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## Valuing and Modeling M&A and LBOs

**Course #:** 2678

**Term:** 2021SP

**Faculty:** Bosiljevac, Vladimir

**Credits:** 4.00

**Type:** Elective

**Subject Areas:** Business Organization, Commercial Law, and Finance; Disciplinary Perspectives & Law

**Delivery Mode:** Course

**Days and Times:**

**Location**

Mon 1:00 PM - 3:00 PM

Tue 1:00 PM - 3:00 PM

**Course Description:**

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Prerequisites: Admission is by permission only and interested students should send a resume and a cover letter to the instructor at vbosiljevac@law.harvard.edu. The deadline for HLS students to apply is January 15, 2021. Cross-registrants can apply and should do so by January 20, 2021.

Exam Type: No Exam

The goal of this class is to provide students with the investment banking toolkit for assessing and modeling M&A and leveraged buyout (LBO) transactions that is used in Wall Street investment banks.

Students will learn how to model and evaluate mergers and LBOs in Excel as investment bankers do (background topics such as accounting will be covered). They will learn about the strategic reasons and tactics for mergers and acquisitions, LBOs, corporate divestiture, restructurings, and hostile takeovers from investment bankers perspective. Case studies of mergers, acquisitions and LBOs drawn from a variety of different industries throughout the world will be examined.

The class workload and assignments will be challenging, requiring students to apply learned concepts, tools and techniques to real-world problems. Active participation is required.

There is no final exam. Instead, there will be a final take-home project requiring students to build an advanced merger model and a pitchbook (40-50 hours workload) as one would do in an investment bank. Course materials will include textbooks, HBS cases, and modeling video tutorials.

No prior experience in finance is required. On contrary, the ideal student is highly motivated with no practical investment banking experience. Students who have worked in investment banking or private equity (either as analysts prior to law school or as summer interns) should not take this course.

This course is intended for students who want to embark on a career in finance or who will practice corporate law (mergers and acquisitions, capital markets, corporate transactions and other related fields).

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## Venture Law and Finance

**Course #:** 2252      **Term:** 2020FA      **Faculty:** Fried, Jesse      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Business Organization, Commercial Law, and Finance

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

Wed 3:20 PM - 4:50 PM

**Course Description:** Prerequisite: This course is open to students who have taken Corporations, or by permission of the instructor to waive the prerequisite. Students should be willing to think mathematically and solve algebraic problems

Exam Type: Please refer to the Fall 2020 Tentative Exam Schedule

This course introduces students to U.S. venture capital (VC) contracting, focusing on the cash flow and control rights of investors. It also examines the legal framework in which such contracting takes place.

Reading materials include VC financing documents, relevant California and Delaware caselaw, and academic and practitioner articles.

Note: This course will meet on average of 3 hours per week.

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## Veterans Law and Disability Benefits Clinic

**Course #:** 8039      **Term:** 2021SP      **Faculty:** Montalto, Dana; McCormack, Julie      **Credits:** 5.00

**Type:** Clinic      **Subject Areas:** Family, Gender & Children's Law; Government Structure & Function; Health Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**      **Location**

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.  
Required Class Component: Veterans Law and Disability Benefits Clinical Seminar (2 spring classroom credits). This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: LLM students may apply to this clinic by submitting an application. Please Note: LLM students may take this clinic for 2 clinical credits.  
Placement Site: WilmerHale Legal Services Center (Jamaica Plain).  
Students in the Clinic work to protect the rights of veterans and their families and persons with disabilities. Students can select among three projects within the Clinic:&nbsp;(1) The Veterans Justice Project: representing veterans in administrative and state and federal court appeals to challenge wrongful denials of veterans benefits and to ; (2) Estate Planning Project:&nbsp;representing veterans and their families in estate and financial planning matters such as wills, trusts, advanced directives, guardianships, and conservatorships; or (3) Safety Net Project:&nbsp;representing clients in administrative and court appeals to challenge wrongful denials of Social Security disability benefits. The Clinics practice includes administrative, disability, mental health, probate, and constitutional law. Students gain in-depth experience with: client and witness interviewing; working with medical evidence and experts; drafting pleadings, motions, and briefs; drafting legal instruments; examining and cross-examining witnesses at hearings; judicial review of agency decisions; presenting oral argument, engaging in negotiation; and solving ethical dilemmas. Students also have opportunities to engage in systemic reform initiatives-through litigation and/or policy work-to improve the lives of veterans with disabilities. Overall, the Clinic focuses its advocacy efforts on using the law to promote financial stability, access to healthcare, and dignity for veterans and their families and persons with disabilities.  
For more information about the Clinic, please visit: Veterans Law and Disability Benefits Clinic.  
This Clinic is part of the WilmerHale Legal Services Center (LSC), a general practice community law office in Jamaica Plain. LSCs diverse clinics provide clinical instruction to second- and third-year law students and serve as a laboratory for the innovative delivery of legal services.

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## Veterans Law and Disability Benefits Clinic

**Course #:** 8039

**Term:** 2020FA

**Faculty:** Nagin, Daniel

**Credits:** 5.00

**Type:** Clinic

**Subject Areas:** Family, Gender & Children's Law; Government Structure & Function; Health Law; Procedure & Practice

**Delivery Mode:** Clinic

**Days and Times:**

**Location**

### Course Description:

Students who enroll in this offering may count the credits towards the JD experiential learning requirement.

Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Veterans Law and Disability Benefits Clinical Seminar (2 fall classroom credits).

This clinic and course are bundled; your enrollment in this clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: None.

By Permission: No.

Add/Drop Deadline: August 14, 2020.

LLM Students: LLM students may apply to this clinic by submitting an application. Please Note: LLM students may take this clinic for 2 clinical credits.

Placement Site: WilmerHale Legal Services Center (Jamaica Plain).

Students in the Clinic work to protect the rights of veterans and their families and persons with disabilities.

Students can select among three projects within the Clinic:&nbsp;(1) The Veterans Justice Project:

representing veterans in administrative and state and federal court appeals to challenge wrongful denials

of veterans benefits and to ; (2) Estate Planning Project:&nbsp;representing veterans and their families in

estate and financial planning matters such as wills, trusts, advanced directives, guardianships, and

conservatorships; or (3) Safety Net Project:&nbsp;representing clients in administrative and court appeals

to challenge wrongful denials of Social Security disability benefits. The Clinics practice includes

administrative, disability, mental health, probate, and constitutional law. Students gain in-depth

experience with: client and witness interviewing; working with medical evidence and experts; drafting

pleadings, motions, and briefs; drafting legal instruments; examining and cross-examining witnesses at

hearings; judicial review of agency decisions; presenting oral argument, engaging in negotiation; and

solving ethical dilemmas. Students also have opportunities to engage in systemic reform

initiatives--through litigation and/or policy work--to improve the lives of veterans with disabilities. Overall,

the Clinic focuses its advocacy efforts on using the law to promote financial stability, access to healthcare,

and dignity for veterans and their families and persons with disabilities.

For more information about the Clinic, please visit: Veterans Law and Disability Benefits Clinic.

This Clinic is part of the WilmerHale Legal Services Center (LSC), a general practice community law office in

Jamaica Plain. LSCs diverse clinics provide clinical instruction to second- and third-year law students and

serve as a laboratory for the innovative delivery of legal services.

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## Veterans Law and Disability Benefits Clinical Seminar

**Course #:** 2520      **Term:** 2021SP      **Faculty:** Montalto, Dana; McCormack, Julie      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; Government Structure & Function; Health Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Veterans Law and Disability Benefits Clinic (3-5 spring clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: December 4, 2020.  
LLM Students: LLM students may apply to the clinic by submitting an application.  
This seminar is the companion course for students enrolled in the Veterans Law and Disability Benefits Clinic of the WilmerHale Legal Services Center.  
Students in the Clinic: (1) represent veterans in federal and state administrative and court appeals to challenge wrongful denials of veterans benefits and in military discharge upgrade cases; (2) represent veterans and their families in estate and financial planning matters such as wills, trusts, advanced directives, guardianships, and conservatorships; or (3) represent clients, some of whom are veterans and others of whom are non-veterans, in federal administrative and court appeals to challenge wrongful denials of Social Security disability benefits. Students also have opportunities to engage in systemic reform initiatives-through litigation and/or policy work-to improve the lives of veterans with disabilities. The seminar provides students with a practical toolkit (including skills related to client and witness interviewing; fact investigation; working with experts; drafting pleadings, motions, and briefs; drafting legal instruments; examining and cross-examining witnesses at hearings; appellate advocacy; presenting oral argument; engaging in negotiation; and solving ethical dilemmas) for representing veterans, their families, and individuals with disabilities. Because of the complex array of legal issues veterans and persons with disabilities face, the substantive law covered in the seminar includes elements of administrative, mental health, probate, and constitutional law, among other relevant topics. The seminar will also provide students an opportunity to consider larger questions about the laws and policies affecting veterans and persons with disabilities and about the design of social welfare programs more generally. For more information about the Clinics docket and student learning opportunities, please visit: <http://www.law.harvard.edu/academics/clinical/lsc/clinics/veteranslegal.htm>.  
There is no final examination or final paper for this course. Concurrent enrollment in the Veterans Law and Disability Benefits Clinic is required. Please refer to the Office of Clinical and Pro Bono Programs website for clinical registration dates, early add/drop deadlines, and other relevant information.

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## Veterans Law and Disability Benefits Clinical Seminar

**Course #:** 2520      **Term:** 2020FA      **Faculty:** Nagin, Daniel; Gwin, Elizabeth      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Family, Gender & Children's Law; Government Structure & Function; Health Law; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Veterans Law and Disability Benefits Clinic (3-5 fall clinical credits). This clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: None.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020.  
LLM Students: LLM students may apply to the clinic by submitting an application.  
This seminar is the companion course for students enrolled in the Veterans Law and Disability Benefits Clinic of the WilmerHale Legal Services Center.  
Students in the Clinic: (1) represent veterans in federal and state administrative and court appeals to challenge wrongful denials of veterans benefits and in military discharge upgrade cases; (2) represent veterans and their families in estate and financial planning matters such as wills, trusts, advanced directives, guardianships, and conservatorships; or (3) represent clients, some of whom are veterans and others of whom are non-veterans, in federal administrative and court appeals to challenge wrongful denials of Social Security disability benefits.&nbsp; Students also have opportunities to engage in systemic reform initiatives--through litigation and/or policy work--to improve the lives of veterans with disabilities.&nbsp; The seminar provides students with a practical toolkit (including skills related to client and witness interviewing; fact investigation; working with experts; drafting pleadings, motions, and briefs; drafting legal instruments; examining and cross-examining witnesses at hearings; appellate advocacy; presenting oral argument; engaging in negotiation; and solving ethical dilemmas) for representing veterans, their families, and individuals with disabilities. Because of the complex array of legal issues veterans and persons with disabilities face, the substantive law covered in the seminar includes elements of administrative, mental health, probate, and constitutional law, among other relevant topics. The seminar will also provide students an opportunity to consider larger questions about the laws and policies affecting veterans and persons with disabilities and about the design of social welfare programs more generally. For more information about the Clinics docket and student learning opportunities, please visit: <http://www.law.harvard.edu/academics/clinical/lsc/clinics/veteranslegal.htm>.  
There is no final examination or final paper for this course. Concurrent enrollment in the Veterans Law and Disability Benefits Clinic is required. Please refer to the Office of Clinical and Pro Bono Programs website for clinical registration dates, early add/drop deadlines, and other relevant information.

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## Voting Rights Litigation and Advocacy Clinic

<b>Course #:</b> 8053	<b>Term:</b> 2020FA	<b>Faculty:</b> Greenwood, Ruth	<b>Credits:</b> 5.00
<b>Type:</b> Clinic	<b>Subject Areas:</b> Constitutional Law & Civil Rights; Procedure & Practice		
<b>Delivery Mode:</b> Clinic			
<b>Days and Times:</b>		<b>Location</b>	

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Voting Rights Litigation and Advocacy Tools (2 fall classroom credits). The clinic and course are bundled; your enrollment in the clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: Election Law. Students who have not yet taken Election Law will work with the Office of Clinical and Pro Bono Programs to enroll.

By Permission: No.

Add/Drop Deadline: August 14, 2020.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Placement Site: Various externship placements.

The Voting Rights Litigation and Advocacy Clinic focuses on voter suppression and redistricting law and policy, but students may choose a placement that includes work in other areas of election law including election administration, campaign finance, political party regulation, and ethics. The work may be at the local, state, and/or national level, and could focus on the needs of a particular community or a broader audience. Students in the Voting Rights Litigation and Advocacy Clinic will have placements at externships with non-profit litigation and advocacy groups, such as the American Civil Liberties Union, Campaign Legal Center, and Common Cause.

Placements: Most clinical work will be done remotely, although there may be opportunities to travel for those working for organizations based in New York or Washington, D.C.

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## Voting Rights Litigation and Advocacy Clinic

Course #: 8053	Term: 2021SP	Faculty: Greenwood, Ruth	Credits: 5.00
Type: Clinic	Subject Areas: Constitutional Law & Civil Rights; Procedure & Practice		
Delivery Mode:	Clinic		
Days and Times:	Location		

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Enrollment in this clinic will fulfill the HLS JD pro bono requirement.

Required Class Component: Voting Rights Litigation and Advocacy Tools (2 spring classroom credits). The clinic and course are bundled; your enrollment in the clinic will automatically enroll you in the required course.

Additional Co-/Pre-Requisites: Election Law. Students who have not yet taken Election Law will work with the Office of Clinical and Pro Bono Programs to enroll.

By Permission: No.

Add/Drop Deadline: August 31, 2020.

LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

Placement Site: Various externship placements.

The Voting Rights Litigation and Advocacy Clinic focuses on voter suppression and redistricting law and policy, but students may choose a placement that includes work in other areas of election law including election administration, campaign finance, political party regulation, and ethics. The work may be at the local, state, and/or national level, and could focus on the needs of a particular community or a broader audience. Students in the Voting Rights Litigation and Advocacy Clinic will have placements at externships with non-profit litigation and advocacy groups, such as the American Civil Liberties Union, Campaign Legal Center, and Common Cause.

Placements: Most clinical work will be done remotely, although there may be opportunities to travel for those working for organizations based in New York or Washington, D.C.

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## Voting Rights Litigation and Advocacy Workshop

**Course #:** 3005      **Term:** 2020FA      **Faculty:** Greenwood, Ruth      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Voting Rights Litigation and Advocacy Clinic (2-5 fall clinical credits). The clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: Election Law. Students who have not yet taken Election Law will work with the Office of Clinical and Pro Bono Programs to enroll.  
By Permission: No.  
Add/Drop Deadline: August 14, 2020.  
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

This seminar is for all students enrolled in the Voting Rights Litigation and Advocacy Clinic. Participants will build on their knowledge from the Election Law course by learning how to apply it in the litigation and advocacy contexts. The seminar will use examples from the voter suppression and redistricting areas to teach students how to design and litigate impact cases (from investigating and filing a complaint, through lay and expert discovery, to presenting a case at trial and writing appellate briefs). The seminar will also teach students how to draft and advocate for and against voting rights legislation at the local, state, and national levels.

Please see the Voting Rights Litigation and Advocacy Clinic course description for additional information.

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## Voting Rights Litigation and Advocacy Workshop

**Course #:** 3005      **Term:** 2021SP      **Faculty:** Greenwood, Ruth; Stephanopoulos, Nicholas      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights; Procedure & Practice

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Tue 5:00 PM - 7:00 PM

**Course Description:** Students who enroll in this offering may count the credits towards the JD experiential learning requirement.  
Required Clinic Component: Voting Rights Litigation and Advocacy Clinic (2-5 spring clinical credits). The clinic and course are bundled; your enrollment in the clinic will automatically enroll you in this required course.  
Additional Co-/Pre-Requisites: Election Law. Students who have not yet taken Election Law will work with the Office of Clinical and Pro Bono Programs to enroll.  
By Permission: No.  
Add/Drop Deadline: August 31, 2020.  
LLM Students: International students on F-1 student visas are required to have Curricular Practical Training (CPT) authorization; LL.M. students are not eligible for CPT.

This seminar is for all students enrolled in the Voting Rights Litigation and Advocacy Clinic. Participants will build on their knowledge from the Election Law course by learning how to apply it in the litigation and advocacy contexts. The seminar will use examples from the voter suppression and redistricting areas to teach students how to design and litigate impact cases (from investigating and filing a complaint, through lay and expert discovery, to presenting a case at trial and writing appellate briefs). The seminar will also teach students how to draft and advocate for and against voting rights legislation at the local, state, and national levels.

Please see the Voting Rights Litigation and Advocacy Clinic course description for additional information.

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## What's Wrong with Mass Incarceration

**Course #:** 3077

**Term:** 2021SP

**Faculty:** Lewis, Christopher

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Criminal Law and Procedure

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Thu 5:00 PM - 7:00 PM

**Course Description:**

This seminar will be co-taught with FAS Professor Adaner Usmani.

Prerequisites: By permission of instructor. Please email Professor Lewis (clewis@law.harvard.edu) a one paragraph response that includes your background and interest in the topic.

Exam Type: No Exam

Most academics who think and write about Mass Incarceration do so because we believe it to be wrong. But what exactly is wrong with it? This course canvases the range of answers that social scientists, lawyers, philosophers, and activists have given to that question. It is motivated by our view (to be developed in a forthcoming book) that the most common answers make both logical and empirical errors, and that better answers will require more clarity about facts and more explicit normative reasoning. Our view is still developing, and students will be strongly encouraged to argue against us. The ambition of this course is to help us and to help students-whether aspiring social scientists or budding lawyers-to think more carefully about the relationship between facts and values in discussions of race, class, crime, and punishment.

Note: This seminar is cross-listed with FAS as SOCIOL 1193.

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## White Collar Criminal Law and Procedure

**Course #:** 2254      **Term:** 2021SP      **Faculty:** Apps, Antonia; Savarese, John      **Credits:** 2.00  
**Type:** Elective      **Subject Areas:** Criminal Law and Procedure

**Delivery Mode:** Course

**Days and Times:**      **Location**

Mon 3:00 PM - 5:00 PM

**Course Description:** Prerequisite: None

Exam Type&#58; Please refer to the Spring 2021 Exam Schedule

The past several years have seen a number of significant developments in white collar criminal prosecutions. Over the last decade, the government has demanded massive financial settlements in white collar prosecutions, including several in which federal prosecutors have sought indictments of corporate entities and demanded guilty pleas as part of the resolution. Recent pronouncements by the Department of Justice suggesting a softening of this approach for companies that self-disclose and cooperate. Prosecutors have also indicated their intention going forward to increase their focus on individual prosecutions, leveraging internal investigations conducted by corporations and insisting that corporations must provide evidence of individual wrongdoing in order to get cooperation credit. There have also been significant developments in numerous areas of white collar law, including insider trading, public corruption, and the Foreign Corrupt Practices Act, to name a few. And investigations that were once limited to the United States now frequently involve regulators and prosecutors across the globe.

This course will examine those developments and will focus on (1) case studies in corporate criminal law enforcement, including how federal law, emerging prosecutorial practices, and corporate cooperation guide and shape the resolution of white collar investigations; (2) evolving government expectations about the role of corporations and corporate counsel; (3) ethical and legal dilemmas in conducting a corporate investigation; (4) the emergence of the deferred prosecution agreement and efforts to regulate it; (5) the black-letter law of corporate criminal liability, including the challenges posed by this standard for companies in light of the collateral consequences of indictment; (6) recent developments in insider trading, the FCPA, and public corruption, among other areas; and (7) the impact on US prosecutions of foreign regulators investigating cross-border conduct. The course will also address various law enforcement investigative techniques commonly used by prosecutors and issues pertaining to sentencing in white collar cases.

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# Harvard Law School Course Catalog

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## Why Our Failure to Confront Hard Legal and Policy Questions Makes Us Less Safe

**Course #:** 2739

**Term:** 2020FA

**Faculty:** Harman, Jane

**Credits:** 1.00

**Type:** Elective

**Subject Areas:** Government Structure & Function

**Delivery Mode:** Reading Group

**Days and Times:**

**Location**

Thu 3:00 PM - 6:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

After the Cold War, America failed to develop a new foreign and national security strategy for the century ahead. Our hubris, complacency and inability to imagine a multipolar world in which some nations and rogue actors reject our political values and economic model have cost us dearly. We over-corrected after the attacks of 9/11 by militarizing our response. Riven by toxic partisanship, Congress has failed to address the hard legal issues, and our legal frameworks are outdated and inadequate. The result is that the United States is less safe.

Note: This course will meet for four 3-hour sessions on the following dates: 9/17 and 9/24, 10/1 and 10/8  
Drop Deadline: September 18, 2020 by 11:59 pm EST

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## Wildlife Law

**Course #:** 2829

**Term:** 2021SP

**Faculty:** Glitzenstein, Eric

**Credits:** 2.00

**Type:** Elective

**Subject Areas:** Environmental Law; International, Comparative & Foreign Law; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**

**Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This is a survey course on Wildlife Law with an emphasis on the federal laws that are intended to protect wildlife. Topics addressed include the history of federal and state wildlife regulation with a particular focus on the principal federal statutes that regulate human interactions with wildlife, including such statutes as the Endangered Species Act, the Migratory Bird Treaty Act, the Marine Mammal Protection Act, the Bald and Golden Eagle Protection Act, and the National Environmental Policy Act. The course also addresses the constitutional underpinnings of federal wildlife regulation and current controversies regarding the scope of federal wildlife protection laws.

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## Workshop on Law and Inequality

**Course #:** 2479      **Term:** 2021SP      **Faculty:** White, Lucie      **Credits:** 3.00

**Type:** Elective      **Subject Areas:** Constitutional Law & Civil Rights

**Delivery Mode:** Course

**Days and Times:**      **Location**

Thu 10:00 AM - 11:30 AM

Fri 10:00 AM - 11:30 AM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
In this course we will explore concepts of inequality from a range of disciplinary perspectives. We will also consider meanings and effects of pernicious inequalities in several sociolegal contexts such as geography, race, and poverty/work/labor. Finally we will examine methodologies for "mapping" ways that various legal dynamics drive the genesis, elaboration, reinforcement and maintenance of hierarchies of privilege and disadvantage across individuals, groups, localities, regions and nations and more. As we identify key legal drivers in the production of specific adverse inequalities, we will also explore ways that changes in legal ordering might shift bargaining power, redistribute resources or otherwise ameliorate their negative effects. Students will work in clusters to research a domain of inequality and develop a legal inequality map of its drivers in order to analyze and engage with it.

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## Writing Group: Justice (encouraging research and writing that would help clarify the meaning of "justice")

**Course #:** 3500      **Term:** 2021SP      **Faculty:** Hanson, Jon      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

**Course Description:**

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## Writing Group: Comparative Law and International Law - Projects Concerning Asia

**Course #:** 3500      **Term:** 2021SP      **Faculty:** Alford, William      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Not Applicable

**Delivery Mode:** Course

**Days and Times:**      **Location**

**Course Description:**

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Writing Group: Critical Legal History and the Constitution

Course #: 3500      Term: 2021SP      Faculty: Bowie, Nikolas      Credits: 1.00  
Type: Elective      Subject Areas: Not Applicable  
Delivery Mode: Course  
Days and Times:      Location

Course Description:

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Writing Group: Free Speech

Course #: 3500      Term: 2021SP      Faculty: Weinrib, Laura      Credits: 1.00  
Type: Elective      Subject Areas: Not Applicable  
Delivery Mode: Course  
Days and Times:      Location

Course Description:

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Writing Group: Health Law/Law and the Biosciences

Course #: 3500      Term: 2021SP      Faculty: Cohen, I. Glenn      Credits: 1.00  
Type: Elective      Subject Areas: Not Applicable  
Delivery Mode: Course  
Days and Times:      Location

Course Description:

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Writing Group: Human Rights

Course #: 3500      Term: 2021SP      Faculty: Giannini, Tyler      Credits: 1.00  
Type: Elective      Subject Areas: Not Applicable  
Delivery Mode: Course  
Days and Times:      Location

Course Description:

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## Writing Group: Intellectual Property

**Course #:** 3500      **Term:** 2021SP      **Faculty:** Tushnet, Rebecca      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Not Applicable  
**Delivery Mode:** Course  
**Days and Times:**      **Location**

Course Description:

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## Writing Group: Intellectual Property, Artificial Intelligence and the Law

**Course #:** 3500      **Term:** 2021SP      **Faculty:** Okediji, Ruth      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Not Applicable  
**Delivery Mode:** Course  
**Days and Times:**      **Location**

Course Description:

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## Writing Group: Intellectual Property: Copyright, Patent, or Trademark Law

**Course #:** 3500      **Term:** 2021SP      **Faculty:** Fisher, William      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Not Applicable  
**Delivery Mode:** Course  
**Days and Times:**      **Location**

Course Description:

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## Writing Group: Legal History

**Course #:** 3500      **Term:** 2021SP      **Faculty:** Kamali, Elizabeth Papp      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Not Applicable  
**Delivery Mode:** Course  
**Days and Times:**      **Location**

Course Description:

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## Writing Group: Property, Land Use, and Local Government Law

**Course #:** 3500      **Term:** 2021SP      **Faculty:** Brady, Maureen      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Not Applicable  
**Delivery Mode:** Course  
**Days and Times:**      **Location**

**Course Description:**  

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## Writing Group: Public International Law; International Law and Armed Conflict; International Law and War

**Course #:** 3500      **Term:** 2021SP      **Faculty:** Modirzadeh, Naz      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Not Applicable  
**Delivery Mode:** Course  
**Days and Times:**      **Location**

**Course Description:**  

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## Writing Group: Remedies in Public and Private Law

**Course #:** 3500      **Term:** 2021SP      **Faculty:** Gersen, Jacob      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Not Applicable  
**Delivery Mode:** Course  
**Days and Times:**      **Location**

**Course Description:**  

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## Writing Group: Taxation

**Course #:** 3500      **Term:** 2021SP      **Faculty:** Brennan, Thomas      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Not Applicable  
**Delivery Mode:** Course  
**Days and Times:**      **Location**

**Course Description:**  

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Writing Group: Technology and Law

Course #: 3500      Term: 2021SP      Faculty: Gasser, Urs      Credits: 1.00  
Type: Elective      Subject Areas: Not Applicable  
Delivery Mode: Course  
Days and Times:      Location

Course Description:

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Writing Group: Topics in Criminal Law, Due Process, Equal Protection, Family Law, Sexual Harassment, Sexuality, Title IX

Course #: 3500      Term: 2021SP      Faculty: Gersen, Jeannie Suk      Credits: 1.00  
Type: Elective      Subject Areas: Not Applicable  
Delivery Mode: Course  
Days and Times:      Location

Course Description:

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Writing Group: Topics in Financial Regulation, Federal Budget Policy, Consumer Financial Protection, Securities Regulation, International Finance

Course #: 3500      Term: 2021SP      Faculty: Jackson, Howell      Credits: 1.00  
Type: Elective      Subject Areas: Not Applicable  
Delivery Mode: Course  
Days and Times:      Location

Course Description:

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## Writing Group: Topics in Jurisprudence, Philosophy of Law, Contract Law, Evidence, Logic and Law (including Artificial Intelligence in Law)

**Course #:** 3500      **Term:** 2021SP      **Faculty:** Brewer, Scott      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Not Applicable  
**Delivery Mode:** Course  
**Days and Times:**      **Location**

**Course Description:**

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## Writing Group: Trials

**Course #:** 3500      **Term:** 2021SP      **Faculty:** Nesson, Charles      **Credits:** 1.00  
**Type:** Elective      **Subject Areas:** Not Applicable  
**Delivery Mode:** Course  
**Days and Times:**      **Location**  
Mon 7:10 PM - 9:10 PM

**Course Description:**

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# Harvard Law School Course Catalog

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## WTO and Trade Litigation

**Course #:** 3015      **Term:** 2020FA      **Faculty:** Wu, Mark      **Credits:** 2.00

**Type:** Elective      **Subject Areas:** International, Comparative & Foreign Law; Procedure & Practice; Regulatory Law

**Delivery Mode:** Seminar

**Days and Times:**      **Location**

Mon 3:20 PM - 4:50 PM

Tue 3:20 PM - 4:50 PM

**Course Description:** Prerequisites: None

Exam Type: No Exam

This seminar will focus on practical aspects involved in litigation of international trade disputes, both before the World Trade Organization (WTO) and in domestic US court. Its goal is to equip students considering a career either in private practice or government service with the skills necessary to handle complex litigation matters involving trade. Among the topics that it will consider are procedural issues, methods of legal argumentation, treaty and statutory interpretation, evidentiary issues, and dispute strategy. The seminar will draw on a few actual cases to illustrate these points. We will have a variety of guest speakers join the class for several sessions, including a member of the WTO Appellate Body. Students will be expected to participate in a series of exercises over the course of the term.

No prior course in international or domestic U.S. trade law is necessary to enroll in the seminar; prior to each case, a short overview will be given of the relevant law. Students that have previously taken a class in international or U.S. trade law are welcome to enroll, as are students without any relevant background. Note that this course is not intended to provide a comprehensive overview of either WTO or U.S. trade law; its main focus is on litigation strategies relevant to these fields of law.

Note: The seminar will meet for 16 sessions across the term.

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# Harvard Law School Course Catalog

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## Youth, Privacy, and Digital Citizenship

**Course #:** 3065      **Term:** 2020FA      **Faculty:** Plunkett, Leah      **Credits:** 1.00

**Type:** Elective      **Subject Areas:** Not Applicable

**Delivery Mode:** Reading Group

**Days and Times:**      **Location**

Wed 5:00 PM - 7:00 PM

**Course Description:** Prerequisites: None  
Exam Type: No Exam  
In fall 2020, the United States is running a nationwide, real-time, high-stakes experiment to see what happens when you put digital educational and related technologies into the home environments of almost every young person in the country. Even before this emergency immersion into remote learning for primary and secondary schools, kids and teens have been at the vanguard of the twenty-first century transformation toward living networked lives within networked institutions. Childrens and adolescents openness to and facility with new and emerging digital technologies creates a sense of community that transcends physical and other traditional institutional boundaries, as well as a sense of self that is highly individualized. For instance, a child in a remote rural American town could play Minecraft with like-minded peers the world over and become Internet famous for their YouTube videos of local cows dressed up as Minecraft denizens. They could also become inspired by social justice activism on Twitter and be the first person in town to put up a Black Lives Matter banner. The potential for new connections and new forms of self-expression both online and off are essentially endless-as are the accompanying questions about whether and how state and federal laws, regulations, and other institutional policies, norms, and values interact with youth data privacy and other components of youth digital citizenship. For instance, what happens to our hypothetical child if they are arrested for hanging their banner on government property without a permit, and local law enforcement wants to search their social media accounts? This reading group will look at youth digital privacy and digital citizenship more broadly in the context of three primary institutions: (1) learning ecosystems, with a focus on the current mode of pandemic operation in K-12 public and private schools; (2) the justice system (including school disciplinary proceedings, interactions with law enforcement, and court proceedings); and (3) family units (including nuclear, extended, foster, group home, institutional, and homeless configurations). The group will identify, analyze, and challenge the laws, regulations, policies, practices, and norms that enable or constrain the development of youth data privacy and digital citizenship through diverse readings and dynamic discussion of these cutting-edge topics.  
Note: This reading group will meet every other week, starting on September 23 and ending on December 2.

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